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Athenæ Britannicæ :

O R ,

The Critical NEWS, and Parallels of Miscelanies.

WITH *L. 9684.*

The *Biographical* and *Bibliographical* Characters of this
present Age and Learning, and those of the former *Archæology*.

In reference to, and continuation of
The *Oxford* and *Cambridge* Writers, and Others.

WITH
Some Freedom of *Thought* and Newness of *Stile*.

The whole being a Critical History of Pamphlets,
Books, and Authors, especially of *Great Britain*: Calculated for a New Diversion and
Method of *Free-Thinking*, and a Novelty of *Free-Writing*, with a New Set of *Thoughts*
and *Sound Words*; or a New Form and Frame of *Natural Prayer*, and Study, or Applica-
tion and Attention; or with a Novel Set-Form, or Formal Novelty of a Nervous Phrase
and a Studied Expression, as well as with an uncommon *Command* of Thoughts and Words.
For proving, or approving or reproving of some, and Improving of others.

Vol. IV.



By the Author of the Three First Volumes of the *Athenæ Britannicæ*. All
the Four Volumes being the Laborious Collections and Learned Read-
ings of MYLES DAVIES, late of *Trerabbat*, in the County of *Flint*,
Counsellour at Law, Esq;

Sold only by the said Author *Myles Davies*, at the Corner of *Little Queen-
Street, Holbourn*.

Ad Nobilissimum

Tho. Dominum Parker,

Baronem de Macclesfield,

Cancellariorum omnium Magnæ Britanniae, Optimum Maximum, &c.

Rursus se Athenæ Britannicæ tibi,
Parkere, sistunt, indociles pati
Tantas tenebras mundi avaras,
Tam & destitutum Orbem eruditis;
Munificæ memoresque dextræ.
Tu purpuratus Mercurialium
Ductor virorum, Nobilis artium
Magister, inclytumque nostræ
Legiferæ Columnen palæstræ.
Æqui & detori scilicet omnibus
Exempla stabunt jam tua, fervido
Ducem secuturis labore,
Mellis uti sua turba Regem.
Jus Fasque puris moribus exprimis
Rector Bilancis: tu Themide æquior,
Vindex *Georgij* & coronæ,
Flexanimâ metuendus arte.
Hic ille vitæ purus & ingeni
Felix aperti: cui scelus impotens
Durare, sacratam bilancem
Virgo dedit fugitura Cœlum.
Nam quis Britannam certius imbuat
Candore gentem? quem pudor & fides
Lactavit & virtus avita, &
Juridicæ peperere cunæ.
Mentem benignam muneribus promissis
Manuque largâ: geus Britonum boni
Sumat rudimentum Magistri,
Munificos imitata nifus.
Non te profanæ dira pecuniæ
Cupido torquet: pectore sobrio at
Honestâ postcens, vota rides
Mæonij auriculæque Regis.
Insigne dicam: tu, licet arduâ
De gente ducas & genus & domum,
Cernasque jam millena pro uno
Tu paradigmata avara largo;

At pauperum tu præsidio tamen
Gaudes quàm acervis clarior aspici;
Præsens et addixisse Codro
Mentem & opes, studiumque fautor.
Testis dolentium, testis egentium
Caterva, semper quos relevas tuo
Auro, redones dum vigorem,
Munificæ renovator artis.
Strictura laudum (dic Dea) Nobilis
Auditor Orbi. Non satis indolem
Parker propalavit modestus:
Astriferæ dabo signa plantæ;
Nunc apicem referamque Juris.
Te mentis altæ vividus impetus
Per omne duxit te genus artium,
Egitque per libros, per alta,
Nosse viros, documenta, mores.
Quicquid Platonis fert Schola nobilis,
Severa quicquid Porticus invehit
Zenonis, acri mente quicquid
Ille tulit Macedum Magister.
Dixere sacri & quæ Isacidum libri,
Alto vetusti culmine fœderis
Et quæ Redemptor Orbis affert;
Pan-sophiæ monumenta calles.
Testis tuarum circulus integer
Scientiarum: Mens tua colligit
Quæ sparsa totus servat orbis:
Quin et adhuc superos anhelas.
Parker e, claro nomine, seu *fluis*
Torrente Pithus complice, *Tullij*
Seu fræna mordet, obsequentem
Attonitâ rapis aure mundum.
Sic jure *Parker*, fascibus inclytus
Jurisque & *aqui*, cælitus entheus
Doctum & vel ignotum ac egenum
Munificâ refœvebis arte.
Sic magna prisca nomina sæculi
Raris adæquas moribus; ingeni
Felix, severas temperatis
Carminibus relevare curas,
Et studium variare versu; O
Juridicæ moderator aulæ,
Cœlitum referendus ore,
Astriferis resonandus oris,
Britannici prior orbis Heros,
Angligenum potiorque Stella.
Cecini, Humillimèque Obtuli, Myles Davies,
nuper de Trerabbat in Com. Flint.

Pernobili Jacobo Comiti Stanhop.

REM quisquis arctam latius extulit,
Trahit sequaces: fœnore ducimur:

Hâc lege multi fructuosos

Solliciti coluere Reges.

Sublimiorem sole *Georgium*

Cernamus imi: lumine *Stanhopum*

Benigniores, nunc egeni

Pierijs veneremur umbris.

Heu vita duris quassa laboribus

Spirat Poetæ, & spretus Honor sui

In cassum: At affulgent (en!) in te

Munera Præsidiumq; Musis:

Servata paucis munera; quos Pater

Dilexit æquus: disparibus tamen

Nodis amoris: jam ipse pergas

Fundere, nos celebrare grati.

Donare, celsæ pars bona creditur

Felicitatis, sortem inopum arguit

Cepisse: ditandi vicissim

Pugna Deos notat atq; Reges.

Tu mentis hæc certamina nobilis

Stanhop-e, præbes, vincere gestiens;

Per regna nomen, præter Anglos,

Ferre celer meritum *Georgi*;

Regemq; pulsus hostibus intimis,

Cæli coruscis inferis ignibus:

Te nempè circumfusus unâ

Præsidio reparavit almo,

Muneribus relevavit amplis,

Et titulis decoravit altis.

Debes *Georgio*; magnus item tibi

Debet *Georgius*: tu *Aulica* denuò

Pro rege rescribis fidelis;

Par humeris animoq; pondus.

Semper *Britannis* luceat is dies

Major quotannis, clarus adoreâ,

Festusq; semper, cura cessit

Quo tibi scaccarij regendi;

Quo tibi Regigrapha exarandi.

Feraxq; plausu, nube dies sine

Eat per orbem, sole perennior;

Quo scandis excelsus tribunal

Nobilium, Comitumq; compar.

Minorca posthâc *Insula* maxima

Dicetur *Anglis*, usq; *Britannico*

Unita Sceptro, & Marte, *Stanhop*,

Usq; tuo, tituloq; Magna.

Cecini, ad Paupertatis raucedinem usq;

Myles Daviss.

Epos Triumphale

*InVictoriam Admiralli Bing, & aliorum Heroum
Anglorum, de Hispanicâ Classe nuper reporta-
tam, &c.*

MArti litatum est Sanguinis æmulo
Censu, jam Iberi; mos uti amat vetus
Victoris *Angli. Hispanæ*, rursus
Classê crepa volitante in auras.

Messina rubro decolor æquore

Sævum Duellum miscuit, ac simul

Ostendit orbi, quid valeret

Angligenam peregrina Virtus

Externâ in undâ. Dic Erato decus;

Fer Diva famam; Cui Pater unicè

Concessit Heroum trophæa

Non humili celebrare cantu.

Ut efficacis consilio Ducis

Bingi, revinxit qui caput *Angliæ*

Novo Triumpho, per Charybdim

Georgiacæ micuere puppes.

Atqui paratu marmora Persico

Iberus instat: Dimidiâ tamen

Vis parte rostratas phalanges

Rumpit agens gravis *Anglicana*, &

Fumo & tumultu, & sulphuris unguine

Raucisque tormenti oribus ænei

Terret, necatquè: hic inonatâ

Cernere erat *Salamina* Strage:

Pars jussa cælum visere cum trabe

Pars ima Ditis tartara: Nil pigri

Morata cymbam Portitoris

Fert pelago sua Classis umbras.

Quàm penè pingui fors ea Iberiam

Totam minantem distulerat face! at

Prætorix *Hispanæ* haud pepercit

Icarij fera imago casus.

Ecquis *Britannos* intereâ timor

Ecquod periculum summovet ordiné,

Graduquè belli? sic *Malæ*

Spuma ferit violenta caudem:

Stat illa contrâ durior; hosticos

Trojana pubes ut tulit impetus

Quondam, & repercussio fragore

Dextra metit jaculata damnum.

Opinionis magna potentia:

Vel posse vinci, qui facit, edomat:

Hâc lege Iberos juvencos

Terificant Domini Leones

A 2

Pugnacis

Pugnacis Angli, ne stabilem audeant
Turbare pacem: Nam Hesperiae trabes
Mavorte propulsæ Anglicano,
Portubus innocuis latebunt.
Bing insecutus, quâ licuit, domi
Conclussit Heros *Georgius* Arbitr
Ponti, lacus, portusquæ, *Pacis*
Nare jubens sine clade fluus.
Cecini, humilimequæ Offero, *Myles Davies*.

Duci Buckinghamiensi, &c.
De Divo-Heroum Palatii sui Statuis Scitè Sitis, cum
Virtutis sui, in Gloria situ.

QUÆ penna, quæ vis consona Oloribus
Sacris per auras me rapit enthea?
Quò? numne Buckinghamiensem ad
Usque Jovem feror ales? at quid!
Rursus Phlegreâ Ossâ Enceladus fugat
Divos Olympo? aggesta cacumina
Num Montium cælum huc reducunt?
An Capaneus fugat astra scalis?
Quò, quò, recedunt? deferitur Polus
Stellisquæ Divisquæ! en! pavida advolat
Cohors Deorum! en Charites &
Mercurius, Themis atque Apollo,
Divûm catervâ cum reliquâ sacrâ,
Alis citatis adproperant, suum
Ut quisque Numen contegat sub
Auspicio, Hospitioquæ Sheffield.
Quantas refundunt pulsa tuum in sinum
Dotes Deorum Numina jam hospita!
Pené et Phlegreæ ignoscunt Rebelli,
Quæ ansa fuit sibi tanti asyli.
Commercio felix Superûm chorus
Sheffieldiano, atque hospitio, Jovi
Vel invidendus! sit jam Olympus
Encelado, Superûmquæ Vulgo.
Sic est: capax Buckinghamius sinus
Virtutis omnis, quæ superos beat,
Manatvé ab illis; hospitalis
Vatibus, Authoribusque egenis,
Principibus quoque Dijs fugatis.
Sic nempe, Sheffield, pectore contines
Quicquid Deorum Numina possident:
Mortalium nam tu videris
Et Superûm Superare sortem.

Myles Davies.

Alexandro Pope, Anglicano Homero.

Poetarum Anglorum facile Principi,

Heroum Praconi.

POPE, si canoro Blandius Orphio,
Audita faxis Barbita temperas,
Dicenda si Musis trophæa,
Mæonio resonas cothurno;
Amica certant tempora nobilis
Phæbæa frontis præmia cingere
Promptæquæ Popo laureatas
Pegasides properant coronas.
Britannus alto digna silentio
Miratur orbis carmina, dum Patrem
Videre vatum, Anglum & *Videri*,
Ipse facis potiore plectro.
O macte, grandi pectine! tempora
Si te tulissent aurea, si tuum
Vocale ebur, plectrumquæ prisco
Nobile personisset ævo;
Quas Smyrna lauros occupat innubas,
Quas clara Dirce, doctæquæ Græcia,
Dictante Phæbo, vox sororum
Aonidum tibi destinasset.
Quæ fusa Homero nectaris Anglici,
Quæ plena Musis copia! Pindaro
Tu doctior acri, doctiorquæ
Euripide, nitidoquæ Flacco.
Quòd si fugaces fortè Cupidini
Polire pennas est opus, en, tuæ
Pennæ Venusquæ Gratiaquæ
Et Charites cum philtro amoris,
Euphrosine & Pharetrata, inerrant.
Hostes vel ipsos, usque aded & Polum
Virtus amicat: livida spicula
Contemnit audax; hostium omnes
Per Cuneos penetratque Victrix,
Non orbis arcto limite continet
Te, Pope, sonantem latius: occupa
Nubes volatu, parte fulget
Quâ rutilum meliore cælum.
Hic siste: versus laudibus hic tuis
Pares repones; nos tenues vicem
Nostram dolemus, quod Lyram vix
Pop-e, tuam sequimur volantem.

Myles Davies.

Heroes Britanno-Anglicani.

De Heroismo Britanno-Anglicano.



U O S virtus cælo evexit, cæloq;
(receptos
Terra canit, peperitq; Britannia
(Regia Mater,
Supremi regalis adest, è vertice
(Mundi
Heroum chorus, & Britonem ecce *Georgium* ador-
(nant

Et poscunt Socium Regi sua præmia Reges,
Seq; Secuturo non invidere nepoti.
Regna vices Subeunt: Nova tellus induit ora:
Cælo eadem semper facies. In Britona Saxo
Succedit. Natos Abrahæ nec Seciùs inde
Suscitat æternus Genitor. Si clara parentum
Nascitur in laudem soboles, te clara parentem
Anglia, commendat Soboles: Sol æthere qualem,
E nullo, & quantum è nullo Sol æthere vidit.
Normanidum & te Nobilitat generosa propago.
Heroum campi! palmis *Halydonia* campum
Consternit pugili *Edwardo*: *Bosworthia* campum
Richmundo & Regnum parat: *Agencurtius* armat
Henrico & famæ pandit tentoria campus.
Oswaldum *Cæli* campus fidei palmisq; coronat.
Campus & *Hogstedius*, *Blenheim*, *Ramelisq;* Su-
(baetus,

Mons, *Odenard*, propiores & cum *Præstons* campi
Angligenum veteres renovabunt usq; triumphos,
Dum feræ Soboli firmant hæc regna *Georgi*.
Jam cælum cætu quanto, quàm limina circum
Constipant fremitu Proceres prætoria læto,
Heroum genus, Heroumq; in nomen ituri,
Pro patriâ vitam qui projecere, sacramq;
Purpureæ sparsere animæ libamine causam.
Ereptos nobis querimur? sua dona reposcunt
Indignisq; diu superi permittere terris,
Quæ maturavere, negant. Si fabula nobis
Vivitur, haud melior semper, quæ longior exit.
O fortes ad bella manus! De morte triumphat
Illa tamen, quæ palmam inopi protendit Amicam.

Heroum Cines cantu, quid, *Davies*, urges?

3 Jam haud *Herciscendos* Gens male temnitudo?

De Londino Heroum Emporio & Theatro.

Cernitur hinc (vidisse vel hinc juvat) Orbis-in
(unâ
Urbe domus; Sub conspectu maris arbitra: cujus
Fluctuat ad latus *Arctoïs* cum Mercibus *Albis*,
Indus *Achæmenijs*, *Syriis* fecundus *Orontes*,
Et *Ganges*, & *Tethys* *Atlantias*, omnis & unô
Nereus in *Thamesi*. Sedem Splendoris, an hor-
(tum

Appellem *Pomonæ* aureæ? Virtutis an arcem
Bellicæ, an *Heroum* Genetricem? immobile tem-
(plum

Artium, an Artis opus? Superum te forsitan ædem
Dixerit *Euphrates*, & terræ *Persia* cælum.
Quicquid eras, & quicquid eris, tua mcenia vallant
Pronæ & *Tempus*; pietas Custodia sola est.
Hæc satis. O tot nominibus, titulisq; decoræ,
Et dites (dites Heroi pulveris) arcæ!
Fumidus in nubes abiit vapor, igneus ille
Spiritus, extinctâ post tot molimina flammâ,
Fit cinis. Ah. quàm divitijs solemnia turget,
Dicere si nunc, Heroum cum pace, licebit,
Putre nihil! titulus, phaletrata, novissimus, um-
(bra est

Cernis ut hunc nimium usq; fui, seseq; laborantem
Inflat hydrops immane, cutemq; sinusq; tumentes
Proluvies distendit aquosa? Sitivit, & amnem
Haufit *Hydaspæum* & & toto se proluit Hermo;
Nec dum exempta sitis: sitis ignea gliscit ab undis;
Seq; explens irritat inexaturabilis *Hydrops*.
Urbem fatali populatur inhospita labe
Turpis avaritia, & fidei teterrima pestis?
Civium, an, interius limen pervasit, & unâ
Pectoris insidians alta ad præcordia fedit?
Ite leves fidei trica; ventosa faceffant
Fœdera: pondus, habet pondus venerabilis auri
Dulce lucrum. Mercator adest; & tinnit aurum.
In rerum spes magnificas cum prodiga laxat.
Arca sinum, sumptusq; fluens exuberat, æstu
Sæpe relabente intelix succedit egestas.
At largitor habet, lucroq; apponit, egenis

Quod

Quod dedit : haud modico refluit cum fœnore Pau-
 Christus egens, nudus, Squalens in carcere Nu-
 Quem pia dextra refecit (inops in *paupere* Numen
 In se dives) opes olim, fœnusq; reponit.
 O curvum terræ quid agis pecus ? Indus arenam
 Obtulit. Astra valete. Hoc mens in pulvere
 Mnemosynes cælo faxis incidimus ingens
 Nomen. Et est aliquid, Dentem, qui cuncta li-
 Heroas vel sic retudisse : sed hic quoq; rosum est.
 Vestra peracta, meæ peragetur fabula scenæ :
 At caream plausu : mutum me garrula fama
 Nesciat ignarum famæ. Solemne Caristos
 Fumus obit. Mihi sufficiet sine nomine cæspes.
Hæc cecini (incassum?) Pauper Myles Davies, Author.

*De Homogenijs, & Genuinis Heroum Bri-
 tanno-Anglorum Matribus & Nutri-
 cibus, Academijs nempe, Oxoniâ &
 Cantabrigiâ.*

AT vos (an Gentis florem, an magis, anfa
 Ne qua sit, appellent Florum, mea carmina gen-
 Et modò qui patriæ in laudes adolescitis, & quos
 Progenuit, Sophiæq; olim commisit alendos
Alma Parens Cantabrigia, & risisse parenti
 Fama probat, quibus & pariter risisse parentem,
 Plaudite : vobis, qui Regum postremus adauxit
 Antiquas vestras, Academus & alter, Athenas,
 Georgius ecce favet. Facili qui prænatat alveo,
 Mænibus alludens vitreâ pulcherrimus undâ,
 Urbi *Cama* dedit nomen, Ponsq; additus undæ
 Pontem non indignanti. Cum fœvus Athenis
 Prædo excussisset Musas, & barbarus undam
 Fædasset Sonipes, quam doctior ungula fudit,
 Hanc petijisse, per hunc Pontem transijisse Sorores
 Et, *Cama* duce, Athenæi potioris in ædem
 Hæc duxisse pedem, fama est. Despexit in undam
 Una, videbatur limum tractura ; silensq;
 Ingemuit ; Pendæ & Cromwelli præscia Musa.
 Doctus Isis, felix *Cama* ; fortunatus uterq;
 Hoc tu fortunatus, Isis, mage nomine, quòd cùm,
 Fraternali Thamesis per iter confunderis alveo,
 Et par Oceano *Londinum* investus aquarum
 Agmine regales gemino præterfluis ades,

Georgi, avz, matutino tibi dicere fas sit,
 Et vespertino, *Georgi*, vale. Nec satis esto,
 Nobile par, patrio *Georgium* concludere fluctu :
 Cærulei Patris ingressi confinia regna,
 Mox campum nacti laxum magis, æquore laudes.
 Volvite liberiore : remotiq; Incolaponti,
 Vestra peregrinus canat ad modulamina Triton.
 Alfredo terrarum orbis *Te* debet in unâ,
 Artium amica domus, Musarum candida Sedes,
 Exedræ & Sophiæ geminæ pulcherrima Vindex,
 Ingeniorum Hospes, numerosæ pubis alumna,
 Magna virûm, Sobolisq; parens, *Oxonia*, magna.
 Cresce, soror nostra es, millena in millia cresce,
 Cantabriges, aiunt ; Cantabrigiæq; forori
 Expedit amplexus *Oxonia* : Secula que annis
 Adde tuis, inquit, totidemq; in millia cresce.
 Si vellunt aurem, Aliredos *Isis* audit ; & audit
Cama, Sigebertos pariter, si vellitur auris.

Cecini, humiliterq; Offero,

MYLES DAVIES,

Davifius, quem sola comes jam ducit Egeitas ;
 Davifius, cui sola dapem jam curat Egeitas ;
 Davifius, cui sola togam jam textit Egeitas ;
 Davifius, cui sola torum jam sternit Egeitas.

*Serenissimo Georgio Magnæ Britannicæ
 Regi, Heroum Heroi.*

Dignam se Musam Virtus Pellæa poposcit,
 Ingemuit caruisse suas & carmine lauros.
 Atq; Os magna Sonaturum tua Sceptra reposcunt.
 Majus Rege nihil fecit Deus : ast ubi vatem
 Fecerat : Hic par est, inquit, neq; laurea desit.
 Ergo tuos par qui celebret, Rex magne, triumphos,
 Par esto Vati versus suus, & tibi vates.
 Ecce, *Georgius* & veteris genus & decus ævi
 Posterioris adest. Titulos lætetur avitos
 Accessisse suæ reparata Britannia famæ :
 Crescat, & Augustas eadem multiplicet umbras,
 Heroo & repleat terras, & Sidera fætu.
Cecini, humillimeq; Offero, Myles Davies.

Georgio Augusto Principi Walliæ.

Prognate Princeps, grate Britonibus
 Auguste, Sanguis ; non humili canam
 Falcesq; laurosq; hic futuras
 Voce tuas Cytharæq; Vates.
 Britanna, prisca progenies domus,
 Hæres refulcis mania proximus,

Spes una gentis, jam vocaris
 Rebus in Imperij secundus.
 Majora regni dum Patrem, en, evocant,
 Plerumq; partem rex minor occupas,
 Spectandus æquè, dum benignâ
 Mente homines opibusq; curas.
 Largitor oîtri nunc tibi *Georgius*
 Præludit; (es qui pectoris ardui
 Hæres,) deinde mox daturus
 Tergemini Diadema regni.
 Hic ille per vestigia *Maximi*
Georgi, Britannæ fidus adorea,
 Conscendet ostrum, nec pudendo
 Degener imperio rubebit.
 Illo Britanno Præside, non amor
 Discinctus, aut lis polluet ordinem,
 Non fraus & oblectata damno
 Invidia, horribilisve cædes.
 Haud parva magno contulerim tibi
 Exempla Princeps Angligenûm Ducum
 Amore, ovanti, proximè atq;
 Brittanico folio, assidenti.
 Heroas inter te quoq; *Maximos*,
 Eventa lelli prospera nuperi,
 Auguste, sublimes merentem
 Britonidum decorantq; palmæ.
 Cernatur etsi nunc juvenilibus
 Tardatus annis, tempora divitis
 Sperate, Mortales, metalli,
 Mella Jovis referente quercu.
Cecini, humillimeq; Offero, Myles Davies.

*Domino, Domino Thomæ Parker, Ba-
 roni de Macclesfield, Summo Magnæ
 Britannicæ Cancellario.*

Villa tuis laribus nunc est cur *Tuscula Crassi* &
Lincolni? invidet renovatis *Tullia* campis.
 Dudum *Oratori Camæ* invidere Poetæ:
 Anne erit, *Orator* cur invidetq; Poetis?
 Pauperem amicitijs vatem tibi sæpe locutum,
 Magne, ferunt. *Quis hic est?* properam in fasti-
 (dia linguam
 Respondisse ferunt nunquam: loquor modò: for-
 (san,
 Ecquis hic est? inquis. Virtutum, Magne, tua-
 (rum
 Admirator hic est: meritorum præco tuorum
 Esse cupit: præco spatij disclusus iniquis
 Esse nequit. Multum tibi debent usq; Poetæ.

Vatibus afflictis nam olim succurrere nosti:
 Succurrisse sibi & te iterum sciat hic quoq; Vates
 Hic tibi qui plures his optat versibus annos,
 Heroes Anglos inter Divosq; Britannos,
 Autèa quàm invisas natales (astra) fòdales,
 Læterisq; Lares inter Superosq; penates;
 Prole tuâ vivens, spires in prole Nepotum.
 Nec desit soboli unquam feræ furculus alter
 Aureus, Heroas referat qui stirpis avitæ.

Cecini, humillimeq; Obtuli,
 M Y L E S D A V I E S.

In primis 4 Versibus alluditur [1°] ad Cancel-
 larij ædes in quadrangulo dicto, *Lincoln's Inn-
 fields*, tum recenter decoratas [2°] ad quædam dicta
 in Dedicatione nuperæ *Cantabrigiæ* Editionis *Tullij*
De Oratore [3°] ad Munificentiam Cancel. quâ
 donasse dicitur isti Dedicatori, ad 50. fere libr.
 Monet. Angl. & Offic. Capellan. domest. Inspicia-
 tur Deductio, & Stupebit, ni fallor, Lector.
 [ultimo] ad Vota exoptantia ipsi longam Vitam,
 (pro vetere more) anno tum ineunte.

*In Laudem Genuinorum Collegij Medi-
 corum Londinensis, Vitæ ac Mortis
 Heroum. Ad Celeberrimum Doctorem
 Mead.*

Quem juvat Phæbi meditari avitas
 Pallidos succis relevantis artes;
 Scire quem vires juvat & comantum
 Nomina Florum.
 Non huic cæci sine honore Soles,
 Ibit aut tecto Dea mæsta vultu,
 Quæ regit currus, inhihetq; noctis
 Luna jugales?
 Ille congestos sibi mox acervos
 (Invidus latret reprehensor artis)
 Nomen & gazam cumulabit, aureæ &
 Fragmina glebæ.
 Nempè te clarum Medicina finxit,
 Callidum doctè pepulisse morbos:
 Divitem gazis Medicina & auro
 Reddit & una.
 Magnus hâc olim sibi Phæbus arte In-
 nixus, æternas peperisse sedes
 Fertur, ac inter Superos recumbens
 Ducere Nectar.
 Hâc

Hæc & Asclepi, tua fama terris
Diditur latè, patrioq; gaudet
Conspici cælo: tenet hæc beatos

Arduum patris studium æmulatus
Proximè ingenti Genio Machaon:
Nec minus sublime nitet coruscis

Cous, humanum celebratus æquè,
Cynthio invito, genus inter, herbarum
Unice doctus; catus & malignos

Ast tibi, Coi, Clariq; Mead-e
Laus tibi cedit, Celebrande; nomen
Fasq; cælestis tribuit Cathedræ

Namq; tu (quando solet esse rebus
Addere inventis leve) tu potenti
Major & Phæbo, Soboliq; Phæbi

Pauper, humanum celebrato *ιαλγόν*,
Cordis ac dextræ memor usq; apertæ,
Pauper, urbani Solitum rogabo

Vatibus, Doctor, dato, Mead-e,
Arca cognomen cui laxa inaurat,
Subleva Vatis stipe parvitatem

*Cecini, humilimeq; Obtuli, ab amicis. &
omnibus necessarijs nudus,*

MYLES DAVIES.

Majori Generali Sabino, &c.

O Bliviosi non tua desidem
Sulcabit undam gloria fluminis,
Sabine, te Heroum supernis
Inferet Uranie catervis.
Eià, infuëtis dic Polyhymnia,
Nervis, Sabini, Anglo ardua qua
Verus Britannus Marte struxit,
Flandriacis Monumenta campis.
Quid cerno? Sacro vêtus in effedo
Sabiniacæ fulgor adorea,
Martiq; Cambriaq; fætus,
Aerijs petit astra bigis.

Quò te volucris Cyllarus ungulâ,
Bellona curru quò rapit alite?
Sublimiori jam volatu
Laurigerâ feris astra fronte.
Potentiori non quatiat pede
Stellata Divum tecta Diespiter,
Aut Mars triumphans colligentes
Tranet agros potiore gressu.
Is trans Olymum Scilicet arduum,
Et laureatæ culmina Phocidos,
Cælumq; scandis, Cambra & addis
Sidereo nova tela Marti.
Quæ fera feris Posteritas legat
Tradatq; natis, hostibus & quoq;
Ipsis stupenda ac invidenda,
Gentibus at superanda nullis.

Cecini, humilimeq; Obtuli,
MYLES DAVIES.

D. Sam. Gartho Eq. Aur. Haud Se-
quiori Poetæ quam Medico, Parisijs
tum recens Reverso, An. D. 1716.

GARTH magne, toto plene & Apolline,
Absente te, mox ægra Scientia
Phæbæa bina; apparente,
Utraq; fit rediviva, Gartho.
Sic te recedente, indoluit Sena,
Sperante Rheno, se fore & hospite
Tanto beatum: at tua O Garth,
Te Thamesis repetebat ægra.
Tu Gathe, tantas, Delphicus æmulas
Rescinde lites; ut Medicâ lyra
Sanasse Centauros ferunt te,
Fatidico resonante Phæbo.

Accinuit MYLES DAVIES.

Sic te fereno lapsus ab æthere
Utroque Phæbus Numine consecrat,
Tibique docti nosse plectri
Dat numeros numerumque venæ.
Illustre pergas tangere Barbiton,
Mulcere Doctos carmine, Davies:
Externa Dum pangis, videris
Ipse tuas numerare laudes.
Succinuitq; Authori Franciscus Dyren.

Heroes Britanno-Anglicani.

Duci Marlburienfi & Comiti Cadogano.



O N tantus Hector, Victor & Hercules,
Tantusvè pernix Æacides, globos
Perrupit hostiles : viam dar
Marlburio per aperta terror.
Tantus virorum, cornipedum pavor
Stragesq; fuso par erat agmine
Depræliantur ; te cohortes,
Te patrias acuate turmas.

Fumo & cruore & Sulphuris unguine
Raucisq; tormenti oribus ænei,
Terret, necatq; Anglus Gradivus
Marlburij redivivus armis.
Testis tuarum palma cohortium
Obtenta promptâ luce vel unicâ,
Et tot per orbem urbes subactæ ;
Marlburij cita messis ensis.
Testis mearum & Bleinhemius labor
Sententiarum est, ac Odenard, strages
Et Montium, orbis restituti &
Hogstedium, Ramelisque fatum.
Vah ! Mars Britannus jam redivivus in
Alto & Cadogan, fulgure territans
Orbem patentem, tam rebelles
Quam reliquos tremefecit hostes.
Proh ! Gallicanus definit æmulum
Jactare Mavors turgidus impetum :
Iberus iram, & Suevus atrum
Ipse suum, posuere, factum.
Heus ! paupere, ejâ, dic Erato lyrâ
Ampli Cadogan ardua facta, quæ
Marlburienfi Marte struxit
Scotigenam Monumenta campis.
Tu laus Iernæ, & gloria Cambriæ
Splendes Cadogan, & meritis tui
Georgi favorem, jam orbe fulges
Marlburius velut alter Heros.
I, tende felix carbasa flammæ
Georgi beato, & Nobilium gradum
Subi supremum : ut arma, sic &
Marlburij comitaris astrum.
Arcana semper consilia hostium
Astu Cadogan eruta Martio,
(Virtus dolusvè quis requirat
Nam suo in hoste ?) ruunt in ipsos.
Sed gesta nuper quæ Calydonia
Vidit Cadogan & stupuit, nitent
Donata virenti usq; lauro,
Scotigenam viridique virta.
Cecini, ad raucedinem & Inediam usq;
Myles Davies.

*Collonello Guise, omnium virorum Militarium An-
glorum facile Doctissimo, &c.*

GUISE, Anglicani gloria Militis
(Et Gallicanæ stirpis an es Ducum ?)
Virtutis ortu at major effulges ;

Pallade tu irradiasq; Martem.

Magnus corusco fulgure Guisus,
Mænusq; frater, sidera nomine
Ut sanguine attigere Reges :
Posteritas nitet usq; eorum.
At Anglicano nomine Guisus
Jam puriori lumine fulgurat :
Caput Minerva, ut Martia, O Guise,
Canna tuam decet usq; dextram.
Guise erudito si ingenio emines
Duces Gradivi tu Angligenas supra,
Non est stupendum, cum paternum
Maternum & hæredem subactum
Te Hebraicæ peperere cunæ, &
Occidui, ac Orientis artes ;
Græca, Latina, & Hebræa quippe
Ipse alias cumulanq; linguas
Et reliquas superaddis artes.
Te vix Apelles spectet imaginem
Vel doctius det lineamenta vel
Antiquitatis γήσις ullus
Νῶδα vè scit potiore κρίσις aut
Inspiciat magis docto ocello.
Cecini, humillimeq; Obtuli,
Ἀπὸ βιωπικῶν τῶν φίλων μνηστῆρος καὶ ἡμετέριος.
Myles Davies.

Prænobili Duci Devonienfi, &c.

CElso Cavendish stemmate nobilem
Cantu Sacrato tollite Olympico ;
Interq; cæli ignes, Ducem, Iō, jam
Devonium resonare Musæ !
O Dia Clio, dic potioribus
Heroa plectris, qui patriæ decus
Et Jura Georgij promovebat
Usq; Patris celebrandus hæres.
Felix paternâ & matris adorea,
Virtute verâ at splendidior tuâ,
Quamvis Wriotheslæumq; Consors
Accumulans superaddis astrum.
Sacro coruscans fulgure Regij
Olim Magister tuq; palatii,
Et Rector albâ virgulâ actus
Georgiferam es moderatus aulam.
Eia, impetrato Cælituum choro
Permisce, Devon, jam socias manus :
Nam inscriptus astris usq; eris Dux
Devonius Gulielmus Heros.
Cecini, humillimeq; Obtuli, Myles Davies.

Pernobili Comiti de Halyfax, &c.

TU Mens acutus, mens & acutior,
Virtutis acri cote acuis tuum
Sublime pectus, nunc acutæ

Doctam

Dicam tibi non exanimoq; mentis.
 Ascende felix nunc *Halifax* us
 Comes tu in alium, dignus *Avunculo*
 Heroe *Carolo*, quem assequaris
 Ipse licet juvenilis Heros.
 Ex asse tantum *Patruelis* es
 Virtutis *Hæc*; *Palladis* artibus
 Tuque eruditus, quæ vetustas
 Ediderit monumenta, lustras.
Cecini, humillimeq; Obluli, Myles Davies.

Isaaco Newton Mil. & Edmundo Halley, L. D.
Summis Anglorum Mathematicis, &c.

HALLEY, vetustos tu Mathematicæ
 Donas Chorarchas luce nova, novis
 Astrisq; cælum; Austro reducens
 Ipse novas Caroloq; stellas.
 Nunc Archimedis, nunc Apolonij &
 Euclidis artes Lumine reddito
 Fulgent per orbem; perq; te *Halley*
 Mathematicis legitur *Serenus*.
 Nam te ante, nullo Mathematicis die
 Visus *Serenus*; cumq; Cylindricis
 Conisq; ejus, Commenta Pappi
 Lemmata & Eutocij redonās,
 Coniferæ Choriphæus artis.
 Vincis vetustos quolibet artium
 Fulgore major, quamquam & honoribus
 Obducta prælucent supremis
Newtonia monumenta palmæ.
Succinui, & Spretus Succensusi, Myles Davies.

Prænobili Com. Mort. & Ox.

EXorte splendens lumine Cambriam
 Illustrat *H—ley*, qui simul additur
 Ostro Angliæ, astro & lux Britanno
 Nobilium ex Atavisque Phœnix.
H—ley, Britanno stemmate fulgidus
 Ostro sacratus tu Comes Anglico,
 Interq; cæli ignes locandus
 Tu Comitum superabis astra.
 Suspexit Annæ te *nova* Curia,
 Et tum Senatus pectore complice est
 Te amplexus; ornatum & trophæis
 Pacis, ovans veneratur orbis.
 Testis tuæ Annæ palma *Ignovescunt*
 Obtena per te tempore congruo;
 Per teq; servatæ tot urbes;
 Paciferi cita messis *H—ley*.
 At mæstus altam pectore lugubri
 Et fidus almam lumine languido
 Te mortuam *Harlæus* Reginam,
 Anna, tuus gemit usq; gratus.
Cecini, nec incassum, M. D.

Prænobili Duci Chandois.

BRIDGE S, vetusto sanguine fulgidus
 Excedis omnes Prosapiæ tuæ,
 Et si arduis factis per orbem
 Eximij micuere *Chandois*.
 Pons pontium tu nomine spl. ndido
 Conjungis ambo flumina Olympica,
 Tam liberalitatis aureæ
 Quam Attalicarum & Opum. O Stupendum!
 Testis Poeta, (haud primus is, at) prior
 Vel faustior multis melioribus:
 Pro versibus cujus dedisti
 Quinq; libras totidemq; Centum,

Materiem meritq; laudi;
 Nempe tuas numerasq; laudes:
 Innumeras dabis, usq; laurus.
 Largus & una opulentus Heros!
 Quingenta scribis pondera nam aurea
 Stylo soluto, lineâ & unâ
 Solvenda Vati isti priori
 Calcibus infricuit qui equorum: hinc
 Pegaseo insiluit caballo, ut
 Pontibus accineret tum agaso,
 Sonipedum, pedes usq; Vates
 Pegasidum prior usq; verna.
 Tu Pons Poetis aureus indigis
 Parnassi ut undas absque periculo
 Pertranseant: inspirat immò
 Prosa tua, ore magis ipsa Phæbi,
 Linea & una tua, arte major.
 Tu nempè *Bridges* major Apolline
 Et Dite major; Divitijs enim
 Ex asse Martis, Crassum atq; Cræsum
 Gaziferum superasque Martem.
Cecini, (an, non responsuro?) M. D.

Pernobili Jacobo Comiti Stanhop.

Cultura mentis sub lare diffuso
 Firmata quanti est! hæc tibi gloriam &
 Non erubescendos honores
 In Britonum properavit aulâ.
 Rides paventem dira pericula
 Nutricis extrâ brachia patriæ:
 Externa Ulysses regna quaris
 Per Lybicas Sophiamq; Syrtas.
 Nam fors paternæ non Ithacæ Ducem
 Fecit beatum; sed dubius maris
 Claravit error trans charybdym,
 Unde animum ingeniumq; traxit.
 Hæc arte connexum ad Capitolium
 Anglum atq; Famæ scandis, & Optimi
 Regis *Georgi*; tu triumphas
 Æthereum sine fraude pectus.
 Te *Georgius* alti Nominis, & genus
 Aeternitatis, Britannicus Pater,
 Princeps, Patronus, Britanniæ &
 Præsidium Columenq; Musæ,
 Doctum probavit, dum lateri suo
 Te junxit altis sensibus intimum,
 Curis levamen, literarum
 Participem, sociumq; styli.
 Sic gratus ardes tollere *Georgium*
 Gazâ Britannâ: scimus ut autem
 Tu permovebas nuper Anglos
 Moribus & celebri loquela,
 Ut tum Senatus Regia fulmina
 Sanciret Author, Brittonidum autem
 Præfixa nervis, donec hostis
 Lambat humum patriasq; sordes.
 Oracla voti quis sequitur fragor
 Terræq; cæliq; insolito dedit
 Clamore plausum gens Britanna:
 Purpureus micuit Senatus,
 Tibiq; plaudit, nutibus obsequens
 Magni *Georgi*; teque capeßere
 Latatus arcæ regis atque
 Scaccarij moderamen æquum:
 Solemne visu quod foret omnibus,
 Orator ut cui contuleras jubar,
 Idemque Cancellos teneres,
 Gazophilæ Moderator arcæ; at
 Scrinia jam referas *Georgi*.

Iö, tui olim scande tholum Poli, &
Inter coruscæ fulgura adorea,
Et Martis astrum Atlantidisque
Fige larem duplicemque filum.
Cecini, ad Paupertatis rursedinem usque, Myles Davies.

J. Sheffield Buckinghamiensis Comitatus Duci. De
Gygantæ & extraordinario sui Palatii situ, &
In-scitis Divo-Heroum Statuis, fitis desuper ve-
luti ad citas Excubias, utpote non tam Suae quàm
celssissimi Patroni Salutis & fama & hospitalitatis
Siti laborantibus.

Necdum peregi carmen Olympicum
Sheffildiana in sidus adorea;
Cujus, Poli Heroes, tutela
Excubias peraguntque Divi.
Apollo cunctis cumque fororibus
Sheffildiana affurgit adorea;
Et postibus suffigit artem
Ipse suam usque tuæ Camænæ
Lubens resignat Mercurij suam
Sheffildiana dextera virgulam;
Celeste te Caduceum enim magis
Quantum decet! talaria Dux quoque
Divina Buckinghamiensis
Mente gerit Sophiæque pennas.
Abire terris quæ fuit ultima
Ex Dijs, te adire at prima fuit Themis,
Quærens Bilanci pectus æquum; at
Te reperit, nec abivit ultra; in
Corde tuo requievit ultrò.
Tu mente canâ vix minor es Jove
Regente clavum, & vi moderaminis:
Corda & maritas tu Indigentum
Aurifero pretiosus imbre:
Benignus Arctæ olim ut Danaës proeus
Illapsum undâ Jupiter aureâ,
Tu Vatribus sic influis Jam
Duplo fluento; fonti egeno
Gangiferam accumulâque lympham.
Tenore morum ac in patriam fide es
Nulli secundus: turba rebellium
Te ab Anglicano nunquam abegit
Sacrario, Solioque Regum.
Pectusque felix astra gerit tuum,
Feraxque stellis fulgurat intimis:
Astratus Atlas fers ut alter
Crure, humeroque Posum Britannum,
Veste, sinuque Britannum honorem.
Plaudit nè plectro, Pop-e, tuo sacro
Apollo Sheffield? Nobile eo Orpheo
Plaudente, non jam Cerberus allatrat;
Noctescit antro Denys, atque
Ipsa malicia amicat Orcum;
Invidia ipsa manum tibi dat;
Porrigere ipse potesque dextram,
Sic tibi si canat ipse Sheffield.
Divine Sheffield, cum Superis tuis
Te jam volantem, cumque domesticis
Divis ovantem, quis nisi Pope
Te altivolum celebrare possit?
Te aut valeat comitari ad astra?
Quid? statnè Sheffield durior omnibus
Sheffildiani ipse Cyclopibus?
Nec subvenit jam tum pereuntibus
Musis Latinis? rythmus an Anglicus
Solutus placebit? atque Gildon.

Communis iste exscriptor Angli
Rythmi, Angla habebit fragmina auri
Viginti, cò quòd publicasset
Qui fuerint aliena dicta,
Angli Idiomatis edita ante?
Dum Aoniæ intereunt Camænæ,
Dum Latij pereuntque Musæ,
Pauperie atque labore inani
(Qui haud placet, utpote Ineruditus)
Præque stupore aliquorum avaro,
Nobilium stupidaque mente: at
Quis Veterum fuerit Patronus?
Quis Latij est Generosus ultor?
*Cecini, humillimeque Obtuli, (Infelicium Literatorum Infeli-
cissimus) Nihilque nisi frustratum, post sæpe sapius repe-
ritum, laborem retuli, Myles Davis.*

Ad Britanni Latij meritissimum Apollinem, Miletium
Blount.

Ipse per Cyrrhæ juga, limpidaque
Phocidos ripas spatatus inter,
Dicitur doctas medius sorores

Nuper Apollo;

Cernite, & fatus, mea cui renidet
Laurus imponi, Comites, recentem
Sive spectetis Criticum aut Poetam,

Cernite Blountum.
Dicite Phæbum:

Non ego illimes Heliconis undas
Culmina aut Pindi, bifidumve collem
Amplius grato cohibebo nutu,

Rector & Auctor:

Vosquæ Pimplææ, mea cura, Musæ,
Non mihi posthæc fidibus canetis:
Hoc novo deserte decus Britanno

Sed magis Blountum.

Dixerat: lætæ, mora nulla, Musæ
Barbitò laudes, meritamque famam
Concunant, grato geminantque Blountum

Gaudia Phæbo.

Perg, Iö, sacra moderator undæ,
Blounte,, quæ cerni Britonum renidet
Orbitâ limes, referatque docti

Limina mundi;

Scande Latinâ Zephiros Camænâ;
Hæc per obstantes dabit ire nubes;
Hæc rotis Anglis referat negatos

Ars tibi calles.

Pieris myrti tibi textit umbram;
Quam nec Elæi Jovis, aut Idumes
Fronde permutes, dubiæve sævi

Fronde Gradivi;

Seu juvat blandæ penetræle Suadæ
Visere, umbrosos Sophiæque lucos,
Sive te Crisis tenet alta docto

Compede victum,

Quale nec fulvæ Tagus Amphitrita,
Quale vestigal neque fabulosi
Urna Pactoli, neque pendet aureis

Hermus arenis.

Quid sequi posthæc faciam? perenni
Quid tuæ attexam melius coronæ?
Te quidem scribente, tu eris legenti

Delphicus Auctor.

Ite, libri, quo vos pretio repensos
Attali, raptant Juvènes que docti,
Ite, jam Anglis Oxonioque magno

J re legendi.

Nempè te clarum tua Musa fecit,
Callidum chordis tetigisse corda,
Divitem gazâ tua Musa & auro

Namque tu (quando solet esse rebus
Addere inventis leve) tu es vetusto
Par Homero, tu reliquisque Major

Pauperes Phæbum celebramus Anglum,
Cordis ac dextræ memores apertæ;
Pauperes Phæbum solitæ rogamus

Vatibus Vates dato: jamque Blounte,
Arca Musarum cui plena abundat,
Subleva Vatis stipe parvitatem

Cecini, humillimeque Obtuli, Myles Davies, τιμιέμω τετιγυρίαιός.

*In a Wood about Two Miles from D——ster, there was, as 'tis
reported by Heroick Fame, a Marble Monument erected in Me-
mory of a Favourite, Companion of the Herus and Heros of the
Place. The Form was Cyndric, adorn'd on the Top with an Urn
and a Golden Flame, with the following Inscription.*

On the North Side.
Siste Viator nec mirare
Supremo efferri honore
Extinctumque, Casellum.
Sed Qualem!
Quem forma insignis, niveusq;
(candor,
Morum gratia, Sociusq; Lusus,
Amor, obsequium, Fides,
Domini delicias fecere;
Cujus lateri adhœsit assiduus
Conviva, Sociusque thori,
Intimus & fidus Achates.

Illo comite,
Vis animi herilis delassata
Ingenium mentemque novam
(Sumebat.
Istis pro meritis non ingratus
(Herus-Heros
Marmorea hâc urna Mortuum
Deffens locavit,
R. M. F. C. 1714.
(On the South Side.)
Injurioso ne pede
proruas
Stantem Columnam.

*'Tis said, that some of the Neighbouring Tory-Clergy and Laity,
saking that favourite Lap-Hero, Mr. Catellus, to have been but a
little merry Grig (or, as some will have it, but a little sad Dog) of
a selfish Whig, or an Interested Heteroclit, or an Heterogenous Fa-
vourite of the Herile Hero, contriv'd to have most of that Heroick
Monument defac'd and demolished in the Night-time; but some of
it has been re-erected since, as I am inform'd. Fides sit penes Authores*

*In nova Ecclesia Amstelodami. Generisissimo Heroi Johanni à Ga-
len Essens.*

O res fortiter & feliciter gestas, Sexies uno anno, Dun-
kirkianorum navem captam, & à Barbaris optima Spolia re-
portata, ordinum Classi in Mari Mediterraneo Præfectus, me-
morabili prælio ad Livornam, Deo auxiliante, Anglorum navi-
bus captis, fugatis, & incendio deletis, commercium cum dicti
maris accolis restituit, idibus Martii, Anno M. DC LIII. Et
uno pede truncatus, nono post victoriam die, annos natus
LVIII. obiit, ut in Secula per gloriam viveret.

Illustriss. & Præpotent. Fæderati Belgii ordinum decreto,
Nob. & Pot. Senatus Archichalæis. qui est Amsteloda-
mi M. H. P.

*Ad Amicissimum sui & suum, Dominum Franciscum Dyren,
Literatorum Indigorum Metanatem desideratissimum.*

*Epos Ex Choriambico Tetrametro & Trimetro, Instar Horatii, lib.
1. Ode 10.*

Hac nos arte, tui munera pectoris
Tollenus, memores simul

Quantumvis tenues. Hæc ope proderit
Te monstrare tibi. Genus

Nec Cera veteres, nec domus ardua,
Fortunæ Bona lubricæ,
Chartis invenient partem aliquam meis,
Magnæ specto animæ chorum,
Quem Virtus & Honos ducere gestiunt.
Proh, Mores nivis æmuli!
Sincerum eloquium, rara modestia,
Ætatis jubar aureæ!

Proh, Thesæa fides, larga benignitas
Oris, non sine dexterâ!
Ipsis lucidior Gratia Gratijs!
Mentis dum famulas sequor
Virtutes, Dominum canto Chrysanthium.

Dyren, note animi, O, pij
In Regem & patriam, tempore nubilo,
Se dum quæreret Albion:

Quem non blanditiæ, non furiz truces,
Non tota Rebellio
Dimovere fide, legibus additâ.

En largi nova pectoris
Argumenta tibi: fors neque enim indiga
Durat perpetuò: invicem
Infelix Aquilo cedit Etesijs.

Nunc tu Largus opum, indigo
Da Vati; Socius qui tibi quondam erat
Præceptor, Medicus, Consiliarius.

*Cecini, humillimeque Obtuli Myles Davies, Infelix, olim teo-
cum, nunc secum.*

*De summo Dictatore Interioris Literature Cl. V. Myles Davies,
Poetâ, Medico & Jurisperito, cunctis bonis Artibus ornatissimo,
Francisci Dyren Armigeri Syncerum Judicium.*

Davisio tangente lyram, quis concinat? unus
Ipse canit fidibus carmina digna suis.
Parnassi arident cui sylvæ & numina; risit
Glandea cui nostri Quercus & Angla Jovis.
Ore tonat, dum verba facit; dum concinit, ipsum
Credimus hic Phæbum Sollicitare ades.
Sentio dum loquimur, tonitru mea corda cieri:
Nempè Britanninum fulmen in ore gerit.
Nunc Legi insudat, Medicique exemplar adornat;
Et tibi Parcarum vendicat imperium:
Nomina, quæ cecinit, lethæis abstulit undis;
Corpora nunc letho subtrahit arte pari.

Præterea mores multorum vidit & urbes;
Et secum ex illis optima quæque tulit.
Linguas ipse docet multas, si postulet usus.
Juridicam monstrat fidus & ipse fidem:
Monstrat Evangelij quandoque arcana fidemque
Contra, Roma, tuam, contra Ariqueluem.
Si patriam, & patrem, & pro Religione Britannâ
Ultrò amittit opes; restat at Angla fides.
Thesaurusque alios animi penetralibus abdit,
Lædere quos unquam fors inimica nequit.
Divitias, rate quas fractâ vorat unda, nec optat,
Quas secum in littus deferat, intus habet.

Amittis opibus non tristatur vel amicis,
Prole sui calami dives, & usque fide.
Paucis & Patronis, Parkero atque Pricæo,
Quorum ope ad officium fata inimica trahit.
Omnium Athenarum orbis, Myl's celebrabitur ore
Nomen & invidiâ majus ubique geret.

*Cecini, ex animoque sensi, Franciscus Dyren, quondam Ejus dis-
cipulus, Patiens, Cliens, & Semper amicus.*

Gloria Cambro-Davidica,

Primo Martij,

Inscripta

GEORGIO AUGUSTO ET WIL. CHARLOTTÆ,
Augustissimis Principibus WALLIÆ;

Juxta nuper publicè propositum Textum, *Luc. 2. 14.*

Δόξα ἐν ὑψίστοις Θεῷ, καὶ ἐπὶ γῆς εἰρήνη, ἐν ἀνθρώποις
εὐδοκία.



Jure magno splendide nomine
Davidis ortus! seu fluis O Dies
Citatus astris, seu *Britannos*
Jam solitis cumulas triumphis,
Semper beatis pulchrior auctibus
Perennis esto! quàm procul attigit
Longinqua fulgor! luce *David*
Quàm Aula viret *Britonum* secundâ!



Efulgent Day! Glory-deserving Morn
On which the *Cambrian* Martial-Saint
was born;
Whether thou from the Stars at first
didst flow,
Or now art come, once more on Britain's to bestow
The Laurels that e'er while their Temples did adorn
Be blest, for e'er be blest with the Encrease
Of Plenty, Joys, Felicity and Peace!
Thou Day distinguish'd in the Calendar,
What Pencil can thy Lustre paint,
When the Green Signal of the *Wallian* Saint
Makes Britain's Court a living Grove appear?

Rex magne GEORGI, quas tibi solverint
Grates *Britanni*? Principe *Walliæ*
Quòd tanto adauxisti coronam, &
Principibus, CAROLOTTA vestris;
Nempe tuâ, CAROLOTTA, prole.
Great GEORGE! what Thanks to thee are due
What Thanks to Thee shall grateful Britons pay,
For that Auspicious Day,
In which Thou didst the Crown encrease
With such a Prince — and CAROLOTTA Thou
With such a God-like Race.

Jam vota fundant *Cambro-Davidici*
Gratesque Olympo, Principe pro suâ
Quæ coelitus nata est *Davidis*
Inque die, & vice, Diva major.

Let the *Davidian* Cambrians raise
Their Hands to Heaven with Prayers and Prayse
For their Illustrious Princess, She
Who was by a Divine Decree
Born on that Day, Great David, which gave
Birth to Thee.

Tutela nempè est tam his bene multiplex
Futura regnis, Palladio sacra
Quæ Prolis hæc regna atque *Georgios*
Usque beat; sine fine pergat,
Pace beans sobolèque multâ;
Pace beans repetitâ ab astris;
Velle ferens *Britomique* sacrum.

'Tis She that in thy Place
Is now Ordain'd thy Country's Patroness,
For, Her Heroic Offspring soon will be
A Safeguard to it, more Divin than Thee.
Her Sons shall blest the World with Peace,
O may such Blessings never Cease!
Blessings that with Her Offspring shall encrease.
Then all with Hearts and Voices joyn'd
Shall grateful Praises sing
To Heaven's Eternal King;
And thus does Pious CAROLOTTA bring
Glory to Him that Rules on High,
To Him that Thunders from the Sky
A lasting Peace on Earth and Goodwill to *Britanny*.

Quis

☼

Quis nunc ab alto Cœlituum tholo
 Fibris anhelis spiritus incubat?
 Quæ lapsa ab alis Angelorum
 Pluma levat mea membra in auras?
 Cœlestium num spirituum choro
 Adjungor hospes, nempe curulibus
 Subvectus Euris, concinen*i*
 Aligeræ Sociorque turmæ?
Bethlem renatum *Brittanicis* agris
 Rursum sacratum jam Genethliacon
 Bis nati Olympi Regis, alata
 Pube super recinente campos?
 Excelsa in alto Gloria sit Deo
 Natoque in imò consona Numini,
 Sacroque Pneumati, uniens Pax
 Corda hominum bene jam volentium.
 Sic, sic, voluntas non alia est bona
 Capaxvè pacis, quàm bene fida quæ
 Stet *Brunsvicensi* stirpi, adhæret
 Quæquè suæ Patriæque Regi.
 Talis voluntas sola Deo frui
 Et pace digna est, quæ benè vult sibi
 Ad Gloriam Cœli atque GEORGI,
 Usque Dei Patriæque lege.
 Hanc, hanc voluntatem Indigites Poli
 Cantu *Britanno* gentibus intonant.
 Hanc jam recepère in GEORGIUM
Brittonides, foveantque semper..
 Pax & voluntas (en!) bona possidet
 Orbem *Britannum*: plaudite Cœlites
 Cantu recenti: jam *Britannam*
 En duplicat CAROLOTTA Pacem!
 Iô, ter uni Gloria Numini
 Trino-supremo, & Pax sit in omnibus
 Bona & voluntas! sit Anglo hæc
 Cuique suæ Cynosura vitæ.
 Credetis? Iô, credite Posteris
 Orbem *Britannum*, GEORGIO(en!) auspice,
 Ipsosque nuperos rebelles
 Georgiadum rediisse in ulnas,
 Jamque suas sociasse fibras,
 Tamque citò remigrasse in unum.
 Eia, *Britanni*, psallere Gloriam
 Deo per altum pectoris ardui
 Sit Sparta vestræ & meta vitæ, &
Velle bonum resonare in imo, &
Vivere velle bonum per orbem, hæc
 Sparta, sit unica meta vobis.

Exemplar en, jam quàm bene multiplex
 Cunctis *Britannis* undique fulgurat
 Pacis voluntatisque in Anglos,
 Cœlituum CARLOTTÆ & almæ!

☼

Princeps ter amplæ *Magna Britannia*,
Scotique, Hybernique, Angligenæ quoque,
 Patrona *Cambri*, Sponsa GEORGI
Brittonidum Genetrixque Regum;
 Quid esse dicam, tu quoties foras
 Procedis almæ limine Curia,
 Pugnae deducis tumultu
 Pressam hmeris sine lege turbam:
 Mises lacernâ purpuream togam
 Impunè vili, cum duce turbido
 Mises colonum, Virginesque
 Cum senibus, puerisque nuptas:
 Festiva plenis tecta oculis micant
 Volvuntque tecum; ceu Jovis aureas
 Dum lustrat ædes Noctiluca,
 Siderei comitantur ignes:
 Hoc esse dicam; redderis anxio
 Astræa mundo; vel potius tuis
 Pandora descendis *Britannis*,
Angligenum haud nocitura terræ,
Brittannicos genitura Reges,
 Palladias cumulans & artes.

☼

Sed quid minutis aggredior modis,
 Fastidiosæ tyro rudis lyræ,
 Censere CHARLOTTÆ, ipse, laudes
 Et freta pervolitare cymbis
 Immensa parvis? quis vel amabilis
 Doctæ educatus Palladis in sinu,
 Princeps, tuum, CHARLOTTA, nomen,
 Per titulos memoresque Cedros
 Æternæ? at quâ sol jubar aureum
 Dispertit orbi, te rigidus Geta,
 Medusque & Indus, te remotus
 Discet Arabs, Tigridisque potor.

☼

Natura faulrix *Cambro-Britannia*
 Nil denegavit: Pacis opes Deus
Cambri redonat; Literarum
 Grande decus quoque Olympus infert:
 Originalis nam *Britonum* gradus
 Hebræo ab ortu est: *Lingua Britannica*,
 Cantusque testes: qui usque Hebraizant,
 Ifacidum genuina proles.

Hæc

Hæc *Cambra* lingua est hinc Patriarchica,
Quam tum Heber olim & Primus Adamidum
Mundo coævam, orbem in recentem
E Patrio retulere cælo.

At quanta venæ copia divitis
Cambris sub arvis? quæ Mineralia
Commercii & vitæ refundunt
Commoda & omne decus *Britannis*.
Per arva *Cambra* & flava Ceres viret,
Fulgetque in arvis Celsa domus frequens
Ut astra Cælis: spirat intus
Simplicitas, sine fraude, cordis,
Hospitii comitasque docta, &
Nobilium generosa proles.



Grande alta calcar Gloria sanguinis
Suffigit: haud talaria vatibus
Cantata deportantur æquæ,
Non aquilæ, Zephirique plumæ.
*Not winged Mercury, nor the Bird of Jove
Nor even Zephyrus does swifter move,
Than in the latest Offspring, Noble Blood
Still spurs 'em on to Actions Great and Good.*
Hæc te coronat, *Pembrok*, adorea:
Gratare sorti: jam tibi Olympico
Fascesque laurique ac Tridentes
Pembrokias peperere stellas.
*This Noble Blood, Pembroke, in thee appears,
My Muse thy Triumphs shall Congratulate;
Triumphs and Honours that for ever wait
On thee and on thy Offspring of Pembrokian Stars.*
Herbert, *Britanni* Gloria nominis
Ac Anglicanæ fulgur adorea,
Longo refulgens tractu avorum, &
Tridente splendens ac Minervâ,
Nobilium caput audit orbe, &
Pembrokia Comes ornat astra.
O *Herbert*! *Glory of the British Isle*
*Amidst her Starry Nobles thou in Chief dost shine,
And even thy Predecessors dost excell:
To thee his Trident Neptune did resign,
That with Minerva's Wisdom thou might'st o'er
The boundless Ocean shew thy boundless Pow'r.*
Iô, sacrato pergito tramite
Virtutis Heros, in patriam fide
Ut semper ardens, & fidelis
Corda gerens Sociata **GEORGIO**.
Inter tot almæ lumina Gloriæ,
Quibus tua, *Herbert*, stemmata fulgurant,

Stupet *Camana*, nec valet jam
Capta oculis acieque mentis,
Proferre vocem, tendereve in tuas
Jam cæca laudes: more Cupidinis
Cæcutit an *Musa*? quid refert? nam
Vel tenebris revidenda Virtus;
Quæ meta certæ est laudis arundini,
Figenda cunctis ampla sororibus:
Virtutis Album, Ostrumvè sit, sat
Est, modò si jaculere in altum:
Quæcunque jacto carmine in æthera
Sit tacta Virtus, jam, Comes, ex tuis
Tangetur una: sparsa in omnes,
Cuncta fluunt bene mixta in *Herbert*.
Dicêris alto nomine Præsidis
Tu sanctioris Consilii caput,
Librans secreta Regia, atque
Brittonidum scita lecta Patrum.
Altas sacratâ tu Periscellide
Suras revinctus, stelliferâ togâ
Ostratus incedis, refulgens
Per Proceres, per, ut astra Phœbus
Pacis sequester missus ad externos
Pembrok; tui tunc semina pectoris
Exerta per gentes patentes
Ætherium tetigere mundum.
Quocunque Regum isthæc sapientia
Expugnat auro corda valentius:
Hæc Pacis Europæ superbis
Te statuit Dominis sequestrum.
Nam tunc *Britannum* Palladiâ statum
Tractâsti olivâ; fœdus & Insulæ
Legatus à Rege Imperatus
Reswykiâ pepegisti in urbe.
Pembrok, tibi undas *Magna Britannia*
Commisit uni, ac Imperium tibi
Tridentifer, quod Rex tenere
Usque solet, sobolesvè Regum.
Tenente *Pembrok* Imperium maris,
Pyrata nusquam comparuit, tremens,
Classisque Gallorum recessit
In caveas, timidisque portus,
Consultus almæ tu Sapientiæ
Librata dices Jura Senatui,
Priscumque tu gentis decorem
Davidico renovabis astro.
En, te Senatus sub superæ domûs
Verendus umbrâ, sede sedens flagrat
Audire te, *Pembroke*, patienti &
Flexanimam bibit aure vocem.

Bri-

Britannus alto digna silentio
 Miratur Orbis Lemmata, dum Patrum
 Decreta perpendis, tuentur
 Quæ Patriæ Angligenûmque Jura.
 Verace quando percitus impetu,
 Excelsa Patrum culmina conquatis,
 Exuberantis vitreumque *Pembroc*,
 Ingenii fluvium recludis;
 Credunt, diserto pectore melleas
 Duxisse venas Eloquenti Deam,
 Cœloquē delapsam Minervam
 Nestoreas animasse voces.
Herbertus, almae Palladis artibus
 Ornatus, æquo cui benè pulvere
 Certare Nestor jam recuset
 Eloquenti, varioque tractu
 Rerum atque Regum: vicerit ardui
 Interpretem axis; nec sibi virgulam
 Desiderarit, nec renatas
 Ex humeris pedibusque plumas:
 It trans Olympum scilicet arduum
 Et laureatæ culmina *Phocidos*,
 Virtute scandens cœlum, egenis
 Inde pluens nova dona Doctis.
 Hinc tu sacratum munere Palladis,
 Ostrata Olympi ascende curulia; &
Cambrum, licet spretum ac egenum
 Aurifero recreabis imbre.
 Rivalis expers, tu Sapientiæ
 Tenes habenas, Palladis artium
 Regens Theatrum, Literarum
 Emeritus Pater atque vindex.
Herberte, vivax viribus ingeni
 Florensque vincas sæcula Nestoris;
 Musisque doctam & Christo amatam
 Pauperiem relevabis auro.
 Tua ergo doctis vecta curulibus
 Sic magna Virtus æquora transvolet,
 Et fama certet multilinguis
 Solis equos superare cursu.

Inter vetusto sanguine *Brittones*
 Baro *Robertus Price* (en, ut!) eminet
 Virtute verâ qui coronat
 Scaccarium, patriamque, Judex.
Amongst the Great, of Ancient British Blood,
The Generous Baron Price does shine,
Whose Patriot Virtues his Country's Foes withstood,
And daily cast new Rays into th' Exchequer Line.

Fidele Regi, nec Patriæ minus
Roberte, nomen personuit tuum
 Latè per orbem: tu refulges
 Angligenûm, patriæque Vindex.
Thy Loyal Name's Renown'd both far and near,
True to thy King and to thy Country's Cause;
By Thee the Guilty Rebels fear
A just Revenge from Britain's Righteous Laws.
 Fidum GEORGIO, ac Ecclesiæ Anglicæ,
Price, te jam, cui Britonûm salus
 Et jura cordi semper, orbis
Britannicus super astra tollat.
Unbys'd Price! thus stedfast to thy Church
and GEORGE,
Who next thy Heart thy Country's Good dost place,
A Patron to her Friends and to her Foes a Scourge,
Thy Name above the Stars let every Briton Raise.
 Consultus æquæ tu Themidos, sagax
 Antiqua pandes Jura *Britanniæ*
 Æquata dices Jura petentibus,
 Priscasque libertatis alas
 Juridicâ reparabis arte.
 Te judicante, ecce, ambiguae patent
 Leges; ambidextri & Causidici stupent:
 Dum tu peroras, tunc habenas
 Juridicæ moderaris aulæ.
 Te *Price*, perorante, impia conticet
 Et rixa, litisque: emicat æquitas
 Tunc conscientiæ: atque Jura
 Magne Baro, modularis æqua.
 In te verustæ, cerno (en!) imaginem
 Spirare gentis: temporis auri
 Tu reddis annos: nunc egestas
 Docta tuo revirescet auro.
 Haud ulla quamvis fulgura sint tuæ
 Præfixa famæ, quis neget abditum
 Lucere solem? sat patet
 Ipse tuo generosus astu.
 Candor sepulchri proditor est sui, &
 Bito, tuam jam vibrat imaginem:
 Frustrâ verecundo resistis
 More; supervacuoque justis
 Honore peccas: nube modestiam
 Educ opacâ: nec juvenilibus
 Pudenter Musis, seratis
 Solus ama latitare Chartis.
 Jam Dædalææ nil opis indigus
 Turreſque Murosque, & populos super
 Virtutis evadis curuli,
 Nomen agens meritisque laudes.
 Nec vota fallunt: Juris honoribus
 Altis refulges: facta bilibria
 Nunc æquilibrî ansâ recludis;
 Pauperiem refovesque doctam.

MYLES DAVIES, the Author of this and *Atb. Britannica*, in 3 Vol. to the King and
 Prince, and a Supplement, to the *Ld. Ch. Just. Parker*; at the Corner of Little Queen-Street
 Holbourn, LONDON.

O D E,

Eucharistico - Encomiastica,
Inscripta

Nobilissimo THOMÆ Domino PARKER,
BARONI de *Macclesfield*, Proto-Justiciario totius *Angliæ*,
Serenissimo Magnæ *Britanniæ* Regi à Sanctioribus Consiliis &c.

A PINDARIC,

Humbly Inscrib'd

To the Right Honourable, The Lord Chief Justice,
Lord PARKER, Baron of *Macclesfield*, one of His
Majesty's most Honourable Privy-Council, &c.

 I A insueto Nectareum melos
Effunde Plectro, Barbite: Nobilis
PARKERUS audit: illum Olympi
Signa super nebulasque tolle.

 Grateful Muse thy Lyre prepare,
In Godlike Notes thou now must Sing,
Prepare, and touch no vulgar String,
For Noble PARKER deigns to hear;
Above Olympus' Clouds the Patron take,
Lift him above the Glit'ring Zodiac.

Quid hoc? Sacrato mens trepidat metu,
Nec lingua vocem, nec sonitum valet
Herois in tanti supernas
Ferre chelys stupefacta laudes.

What? O I feel a Sacred Dread
Thro' my aspiring Mind diffuse,
In Silence sit's my Trembling Muse,
T'attempt the Daring Flight, afraid;
No Word can she bring forth, my Lyre no Sound
Worthy a Man so Great and so Renown'd.

Laxate plenis Dædala fontibus
Suadam Juventus: mox volucris vehet
Ad astra pennatis, ad astra,
Fama rotis, volucrique curru.

From flowing Springs Dedalian Swains
Let loose your sweetest, loftiest Strains
To aid th'advent'rous Verse,
A Verse in Bounteous PARKER'S Praise
Whom to the Stars swift Fame shall raise,
Raise in her Chariot to the Godlike Course.
Nam tu rigenti pauperiei Jugo
Vocemque egenis Vatibus auream
Donabis, ac mellita dulcis
Ora Cijgni, facilemque Suadam.
'Tis He supports Declining Art
By Rigid Poverty oppress'd;
'Tis He to Learning when distress'd,
Such Generous Favours does impart,
T'impovertish'd Wit a golden Voice dispense
A Swan-like Note and easy Eloquence.
Hunc Lesbij tu carminis alite,
Thalia, canta moribus aureis
Insignem, & Hyblæo tonantem
Ore virum potiore succo.
Thy Patron, Thy Mæneas' Worth,
Thalia, sing in Lesbian Verse,
Him fam'd for Golden Deeds rehearse,
His shining Virtues blazen forth,
Display him Sounding Loyalty and Truth
Far sweeter than with an Hyblæan Mouth

Hunc

Hunc & fideli Judicio refer
Minoa Terris; Consiliis Jovi
Tantum secundum, nec minorem
Pleiones volucris Nepote.

*His Justice Him a Minos proves,
His Counsels yield to none but Jove's:
Nothing inferior He
In every Policy of State,
In every Maxim of the Great,
To the swift Nephew of Pleione.*

Te rara Virtus & chorus integer
Virtutis ornat: Te cupit hospitem
Stellarum inaudax Virgo cælum
Linquere, quam maculosus olim

Exegit Orbis; jam tibi credidit
Æquam Bilancem, Juris ut arbiter
Delicta pendas, & securim
Quâ reseces mala facta vindex.

*In Thee the Choir of Virtues rest,
PARKER, in thee such Virtues dwell,
Astrea wondring at thy Zeal,
Invites thee for her Starry Guest,
Fearing again to leave her Native Heaven,
To which she by the Spotted World was driven;*

*To Thee the Awful Judge of Right,
Has she resign'd her Justice-Scale;
To Thee a Mars, where Crimes prevail,
Do's she her two-edg'd Sword commit;
Which Thou to weigh Offences mayst assume,
That Traitors may from Thee receive their Doom.*

Testis reorum Terrigenum cohors
Rebellium jam nota, Diespitris
Regisque contemptrix, sagittis
Fusa tuis, tonitruque Suadæ.

*Witness the Earth-born guilty Crowd,
Whose Crimes for Vengeance cry'd aloud,
Who Jove and George blasphem'd,
By th' Arrows of Thine Eloquence,
By Thine un-erring Sapience
Laid at the Monarchs Feet, they once Contemn'd.*

Felice tantæ mentis acumine
Secunda, quid non efficiet tua,
Astræa, Virtus? cui noveni
Turba Chori famulatur omnis.

O qui beatis sub penetralibus
Parkeriani liminis hauriat
Æstum repressuros liquores
Ambrosiâ pretiosiores!

Urnâ rigantem plenius aureâ
Fæcunda Vatum pectora Pindarum
Spernat, nec Hyblæos requirat
Mæoniæ latices Thalæ.

Îô, ter Îô, dic gravioribus
Pæana nervis, Angligenum decus,
Gentisque Britannæ voluptas
Juris honos duplicisque Pithûs!

Cui lingua Tulli' contigit aurea,
Cui plena lancis Juridicæ tuba,
Cui fata legum mens Trebati',
Cui rigidi gravitas Platonis.

*Muse, to the Man thrice Îô sing,
Whose Breast a double Share contain's
Of Phæbus Spirit, and from whence
The Glory of the Law does spring:
Just as Astrea, and as Tully sweet,
As Cato grave, and as Trebatius great.*

*Britannia's Honor and Delight,
Swift as the Son of Dedalus
(But in th' Attempt more prosperous)
Ascend with an unusual Flight;
Pallas for Thee her Chariot shall prepare
And safely guide Thee thro' the yielding Air.*

Îô, sacratâ scande Polum fibrâ, &
Inter serenæ lumina Gloriæ,
Cælique jam Astrææque flammæ,
Fige animum, meritumque Nomen.

*Thus, PARKER let thy Radiant Soul
Where Heavenly Lights in Glory roll,
Mount with a Sacred Flame,
There in its Native Orbit shine
With Beams Eternally Divine,
And there now fix Thy all-deserving Name.*

Cecini, humillimeque obtuli
MYLES DAVIES,
Nuper de Trerabbat in Com. Flint.

S'il

S'il plait à Votre Grandeur,

LA reconnoissance, *Monseigneur*, pour ceux qui nous ont fait du bien, est un mouvement aussi naturel, que la Vengeance pour ceux qui nous ont fait du mal. Quand un homme nous a fait du bien, d'abord on lui en témoigne sa Gratitude par des Paroles pleines d'attachement, & de Prières pour son bonheur : On cherche en suite toutes les occasions de lui en rendre un témoignage éclatant, & l'on est inquiet jusqu'à ce qu'on l'ait fait, au pié de la reconnoissance effective, aussi bien que selon celle de sentiment. Ce devoir de Gratitude semble même être une des Vertus Privilegiées, aux quelles les plus débordés n'oseroient renoncer ouvertement en face, ou lui rompre en Visier. Car, nous voyons des gens qui se vantent hautement de leurs débauches, & qui parlent même assez Cavalierement des choses religieuses; mais nous n'en voyons point qui se vantent d'être *Ingrats*, ou de n'avoir ni probité ni honneur. Personne ne passe de condamnation là dessus, quoi qu'il y en ait une Infinité de condamnables.

Voilà, *Monseigneur*, les raisons qui m'ont indispensablement porté à cette hardiesse que je pren maintenant, à votre insçu, de publier ce petit Monument de reconnoissance, pour la Charité que votre Grandeur m'a donnée plus qu'une fois par une Generosité, qui n'a guerre plus de bornes que la Providence qui l'a fait couler au fond de votre Grand' Ame. Vous êtes Genereux, & vous ne perdez jamais aucune occasion d'en donner des marques: cette Qualité a quelque chose de Divin, qui laisse un arriere-goût dans le cœur, qu'il faut avoir senty, pour le bien comprendre. En effet, y a-t-il rien qui approche plus de la Divinité, que d'avoir pitié des malheureux, de rendre le bien pour le mal, & de soulager les pauvres? Vous ne vous pardonnez rien là dessus. Votre Grandeur se reproche comme un mal, le bien que vous n'avez pas fait, quand vous avez pu le faire: Et votre Grandeur ne regarde point si nous sommes dans un temps, où l'on n'en use pas ainsi.

Votre Grandeur croit bien, que ce n'est pas dans cette Occasion qu'il faut craindre de se singulariser: Moins il y aura de personnes de ce sentiment, plus votre Grandeur s'éclatera: Le cœur n'est pas sujet à la mode comme l'esprit & le reste des choses. La Generosité a été de tous les temps, & si on la laisse languir dans l'oïveté, ou bien dans la tenacité, cela n'empêche pas qu'on ne lui rende justice, & qu'on n'ait pour elle tout le Respect qu'elle Merite.

S'il l'Histoire nous conserve le souvenir de ce que les Heros ont executé de plus memorable, il est certain que la Poësie ne nous represente pas avec moins de charmes toutes leurs belles qualitez. C'est par le secours de cette derniere que j'ai essayé à trouver un nouveau tour pour faire éclater quelque petite partie des Vertus, qui s'attachent quasi naturellement à la Grandeur de votre Ame. Tant d'Illustres Actions ont déjà publié l'éclat de votre Grandeur, que c'est presque tout ce qu'on peut souhaiter aujourd'hui que de trouver une nouvelle maniere de le faire.

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MONSEIGNEUR

S'il plait à Votre Grandeur,

De tous vos Serviteurs & de tous Vos Vasseaux

MYLES DAVIES,

L'Auteur des *Athen. Britan.* dediez & adressez au Roy & au Prince, en 3 Vol. avec un Supplement: Chez l'Auteur au coin de Little Queen-Street Holburn, London.

O D E,

Eucharistico - Encomiastica ;

Inscripta

Nobilissimo THOMÆ Domino PARKER,
BARONI de *Macclesfield*, Proto-Justiciario totius *Angliæ*,
Serenissimo *Magnæ Britannie* Regi à Sanctioribus Consiliis &c.

A

PINDARIC;

Humbly Inscrib'd

To the Right Honourable, *The Lord Chief Justice*,
Lord PARKER, Baron of *Macclesfield*, one of His
Majesty's most Honourable Privy-Council, &c.



IA infueto Nectareum melos
Effunde Plectro, Barbite : Nobilis
PARKERUS audit: illum Olympi
Signa super nebulasque tolle.



Grateful Muse thy Lyre prepare,
In Godlike Notes thou now must Sing,
Prepare, and touch no vulgar String,
For Noble PARKER deigns to hear ;
Above Olympus' Clouds the Patron take,
Lift him above the Glitt'ring Zodiac.

Quid hoc ? Sacrato mens trepidat metu,
Nec lingua vocem, nec sonitum valet
Herois in tanti supernas
Ferre chelys stupefacta laudes.

What ? O I feel a Sacred Dread
Thro' my aspiring Mind diffuse,
In Silence sit's my Trembling Muse,
T'attempt the Daring Flight, afraid ;
No Word can she bring forth, my Lyre no Sound
Worthy a Man so Great and so Renown'd.

Laxate plenis Dædala fontibus
Suadam Juventus : mox volucris vehet
Ad astra pennatis, ad astra,
Fama rotis, volucrique curru.

From flowing Springs Dedalian Swains
Let loose your sweetest, loftiest Strains
To aid th'advent'rous Verse,
A Verse in Bounteous PARKER'S Praise
Whom to the Stars swift Fame shall raise,
Raise in her Chariot to the Godlike Course.
Nam tu rigenti pauperiei Jugo
Vocemque egenis Vatibus auream
Donabis, ac mellita dulcis
Ora Cijgni, facilemque Suadam.
'Tis He supports Declining Art
By Rigid Poverty oppress'd ;
'Tis He o Learning when distressed,
Such Generous Favours does impart,
T'impovertish'd Wit a golden Voice dispense
A Swan-like Note and easy Eloquence.
Hunc Lesbij tu carminis alite,
Thalia, canta moribus aureis
Insignem, & Hyblæo tonantem
Ore virum potiore fueco.
Thy Patron, Thy Meænas' Worth,
Thalia, sing in Lesbian Verse,
Him fam'd for Golden Deeds rehearse,
His shining Virtues blazen forth,
Display him Sounding Loyalty and Truth
Far sweeter than with an Hyblæan Mouth

Hunc

Hunc & fideli Judicio refer
Minoa Terris; Consiliis Jovi
Tantum secundum, nec minorem
Pleiones volucris Nepote.

*His Justice Him a Minos proves,
His Counsels yield to none but Jove's:
Nothing inferior He
In every Policy of State,
In every Maxim of the Great,
To the swift Nephew of Pleione.*

Te rara Virtus & chorus integer
Virtutis ornat: Te cupit hospitem
Stellarum inaudax Virgo cælum
Linquere, quam maculosus olim

Exegit Orbis; jam tibi credidit
Æquam Bilancem, Juris ut arbiter
Delicta pendas, & securim
Quâ refeces mala facta vindex.

*In Thee the Choir of Virtues rest,
PARKER, in thee such Virtues dwell,
Astrea wondring at thy Zeal,
Invites thee for her Starry Guest,
Fearing again to leave her Native Heaven,
To which she by the Spotted World was driven;*

*To Thee the Awful Judge of Right,
Has she resign'd her Justice-Scale;
To Thee a Mars, where Crimes prevail,
Do's she her two-edg'd Sword commit;
Which Thou to weigh Offences mayst assume,
That Traitors may from Thee receive their Doom.*

Testis reorum Terrigenum cohors
Rebellium jam nota, Diespitrís
Regisque contemptrix, sagittis
Fusa tuis, tonitruque Suadæ.

*Witness the Earth-born guilty Crowd,
Whose Crimes for Vengeance cry'd aloud,
Who Jove and George blasphem'd,
By th' Arrows of Thine Eloquence,
By Thine un-erring Sapience
Laid at the Monarchs Feet, they once Contemn'd.*

Felice tantæ mentis acumine
Secunda, quid non efficiet tua,
Astræa, Virtus? cui noveni
Turba Chori famulatur omnis.

O qui beatis sub penetralibus
Parkeriani liminis hauriat
Æstum repressuros liquores
Ambrosiâ pretiosiores!

Urnâ rigantem plenius aureâ
Fæcunda Vatum pectora Pindarum
Spernat, nec Hyblæos requirat
Mæoniæ latices Thalææ.

Iô, ter Iô, dic gravioribus
Pæana nervis, Angligenum decus,
Gentisque Britannæ voluptas
Juris honos duplicisque Pithûs!

Cui lingua Tulli' contigit aurea,
Cui plena lancis Juridicæ tuba,
Cui facta legum mens Trebatî,
Cui rigidi gravitas Platonis.

*Muse, to the Man thrice Iô sing,
Whose Breast a double Share contains
Of Phæbus Spirit, and from whence
The Glory of the Law does spring:
Just as Astrea, and as Tully sweet,
As Cato grave, and as Trebatius great.*

*Britannia's Honor and Delight,
Swift as the Son of Dedalus
(But in th' Attempt more prosperous)
Ascend with an unusual Flight;
Pallas for Thee her Chariot shall prepare
And safely guide Thee thro' the yielding Air.*

Iô, sacratâ scande Polum fibrâ, &
Inter serenæ lumina Gloriæ,
Cælique jam Astrææque flammæ,
Fige animum, meritumque Nomen.

*Thus, PARKER let thy Radiant Soul
Where Heavenly Lights in Glory roll,
Mount with a Sacred Flame,
There in its Native Orbit shine
With Beams Eternally Divine,
And there now fix Thy all-deserving Name.*

Cecini, humillimeque obtuli
MYLES DAVIES,
Nuper de Trerabbat in Com. Flint.

S'il

S'il plait à Votre Grandeur,

LA reconnoissance, *Monseigneur*, pour ceux qui nous ont fait du bien, est un mouvement aussi naturel, que la Vengeance pour ceux qui nous ont fait du mal. Quand un homme nous a fait du bien, d'abord on lui en témoigne sa Gratitude par des Paroles pleines d'attachement, & de Prières pour son bonheur : On cherche en suite toutes les occasions de lui en rendre un témoignage éclatant, & l'on est inquiet jusqu'à ce qu'on l'ait fait, au pié de la reconnoissance effective, aussi bien que selon celle de sentiment. Ce devoir de Gratitude semble même être une des Vertus Privilegiées, auxquelles les plus débordés n'oseroient renoncer ouvertement en face, ou lui rompre en Visier. Car, nous voyons des gens qui se vantent hautement de leurs débauches, & qui parlent même assez Cavalierement des choses religieuses; mais nous n'en voyons point qui se vantent d'être *Ingrats*, ou de n'avoir ni probité ni honneur. Personne ne passe de condamnation là dessus, quoi qu'il y en ait une Infinité de condamnables.

Voilà, *Monseigneur*, les raisons qui m'ont indispensablement porté à cette hardiesse que je pren maintenant, à votre insçu, de publier ce petit Monument de reconnoissance, pour la Charité que votre Grandeur m'a donnée plus qu'une fois par une Generosité, qui n'a guerre plus de bornes que la Providence qui l'a fait couler au fond de votre Grand' Ame. Vous êtes Generoux, & vous ne perdez jamais aucune occasion d'en donner des marques: cette Qualité a quelque chose de Divin, qui laisse un arriere-goût dans le cœur, qu'il faut avoir senty, pour le bien comprendre. En effet, y a-t-il rien qui approche plus de la Divinité, que d'avoir pitié des malheureux, de rendre le bien pour le mal, & de soulager les pauvres? Vous ne vous pardonnez rien là dessus. Votre Grandeur se reproche comme un mal, le bien que vous n'avez pas fait, quand vous avez pu le faire: Et votre Grandeur ne regarde point si nous sommes dans un temps, où l'on n'en use pas ainsi.

Votre Grandeur croit bien, que ce n'est pas dans cette Occasion qu'il faut craindre de se singulariser: Moins il y aura de personnes de ce sentiment, plus votre Grandeur s'éclatera: Le cœur n'est pas sujet à la mode comme l'esprit & le reste des choses. La Generosité a été de tous les temps, & si on la laisse languir dans l'oïveté, ou bien dans la tenacité, cela n'empêche pas qu'on ne lui rende justice, & qu'on n'ait pour elle tout le Respect qu'elle Merite.

S'il l'Histoire nous conserve le souvenir de ce que les Heros ont executé de plus memorable, il est certain que la Poësie ne nous represente pas avec moins de charmes toutes leurs belles qualitez. C'est par le secours de cette derniere que j'ai essayé à trouver un nouveau tour pour faire éclater quelque petite parti des Vertus, qui s'attachent quasi naturellement à la Grandeur de votre Ame. Tant d'Illustres Actions ont déjà publié l'éclat de votre Grandeur, que c'est presque tout ce qu'on peut souhaiter aujourd'hui que de trouver une nouvelle maniere de le faire.

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The Lawyer's Post,

Num. 1.

O R

An Express to the Practicioners and Clients as well as to the Students and Professors of Law, Equity and good Conscience, both in and out of the Third University of *England*.

By the way of Doctor and Student, or Master and Disciple, or Apprentice en la Ley.

From *Athenæ Britannicæ*, Vol. 1. p. 15, 20, 58, 68, 110, 116, 215. à pag. 304. to 346.
Vol. 2. pag. 38, 44, 47, 53, 61. Vol. 3. &c.

For the Diversion of some and Instruction of others.

M.  Hat do you mean by this strange News-Paper to such sharp Gentlemen?

D. Just the same that these following Law Book-Titles and Tables import and report, both singly, collectively, and respectively, or proportionably, viz.

Of the Third University of *England*, or, the Inns of Court: writ by Sr. George Bucks, and dedicated to Sr. Edw. Coke, L.C.J. of *England* &c. edition'd by Edm. Howes with Stow's Chron. Lond. 1631. fol. The Attorney's Academy, by Tho. Powel in 4. price 2 s. formerly 3 s. The Lawyer's Logick, exemplifying the Precepts of Logick by the Practice of the Common Law, by Abr. Fraunce in 4. pr. 3 s. 6 d. Topicks in the Laws of *England*, containing *Media*, apt for Argument and Resolution of Law-Cases: Also an Exposition of several Words, not touch'd by former Glossaries, by Jo. Clayton, in 8. pr. 1 s. Hughes's Queries; or choice Cases for Moots, containing several Points of Law, not resolv'd in the Books, by Will. Hughes, in 8. and in 12 1675. pr. 1 s. The Gentleman's Assistant, Tradesman's Lawyer, and Countryman's Friend, the 2d Edition, with Additions, in 8. pr. 6 s. The Poorman's Advocate or *England's Samaritan*, by Peter Chamberlayne, Dr. of Physick of Padua, Lond. 1649. *Quære ceo*. Religion establish'd by Law, as-

serted to conduce most to the Interest of Prince and Subject, by Pennystone Whaley, in 4. pr. 6 d. Reason's Academy and Reason's Moans or a New Post, with sovereign Salve to cure the World's Madnes, by Sr. J. D. Keighr, Lond. 1620. 8vo. *Herologia Anglica*, by H. Holland, Lond. 1620, fol. A compentious and accurate Treatise of Recoveries upon Writs of Entry in the Post, and Fines upon Writs of Covenant; and how to draw, acknowledge and levy the same in all Cases, the 3d Edit. in 8. pr. 3 s. 6 d. now 5 s. The Practice of Courts-Leet and Courts Baron, and of Writs of Entry, *sur Disscissin en le Post* at the Common Law, by Sr. Will. Scroggs, 3d Edit. in 8. 1714. pr. 5 s. Of the old Writs Pone and Summons, and the New Clausal Bail-Writ of *ac Etiam's*, and of the Return of the *Postea's*. *Opus Tripartitum, multum diuque desideratum*, by an ancient Member of the 3d University, in fol. pr. 1 l. 1 s. 6 d. *Quære ceo*. The Law of Commons and Commoners, in 8. pr. 5 s. A Treatise concerning Trespasses, *vi & armis Clausum fregit*, by the Author of *Lxx Customaria*, in 8. pr. 5 s. *Amicus Republicæ* (& *Amicus Curiæ*), or an exact and speedy Way to the Justice of Law and Equity, for Prevention of Law Suits as well as Law-Ignorance, by Jo. March, in 8. pr. 1 s. The Exact Lawgiver, communicating to the

the Skillful the firm Basis and Axioms of their Profession; to the Ignorant, their ancient and undoubted Birthrights and Inheritances, in 8vo price 1 s. 6 d. The Young Lawyer's Recreation, in 8. pr. 1 s. 6 d. A perfect Guide for a Studious young Lawyer, by *Th. Fidell*, in 8. pr. 2 s. *Arbitrium redivivum*, or the Law of Arbitration, in 8. pr. 1 s. The Lawyers Library, the 2d Edition, in 8. pr. 3 s. 6 d. The Attorney's Almanach, by *Th. Powell* in 4. pr. 1 s. The Book of Oaths to the Year 1715. in 8. pr. 3 s. *Non Compos Mentis*, or the Law relating to natural Fools, Mad Folks and Lunatick Persons, by *J. Brydall*, in 8. pr. 2 s. The ancient, Loyal, fundamental and necessary Rights of Courts of Justice, in the Writs of *Capias* and Process of Outlawry, better than a peremptory Summons and Citations in Actions of Debt, by *Eabian Phillips Esq;* in 4. pr. 2 s. A Compendium of the Laws and Gouvernement of Great Britain, Ireland and Plantations, by *H. Curson*, in 12. 2d Edit. 7 6. pr. 4 s. The Laws against *Recusants*, by *Will. Cawley*, in fol. pr. 4 s. An Explanation of the Laws against *Recusants*, abridg'd, by *Joseph Koble*, in 8vo pr. 1 s. 6 d. An Abstract of the Laws against Profaneness, in 8. pr. 6 d. An Abridgement of the Laws of England against Capital Offences, by *J. Bridol*, in 8. pr. 1 s. 6 d. A Compendium of the Laws, concerning Local Settlements, Games, and Felonies, in 12. the 2d Edition, pr. 2 s. 6 d. *England's compleat Law-Judge and Lawyer*, by *G. Cook*, one of the Judges of the Admiral Court and Probate of the Wills, in 4. pr. 1 s. The Law of England, or, a true Guide for all Persons concern'd in Ecclesiastical Courts, by *Hen. Cary*, in 12. pr. 10 d. Proposals for the Regulating the Law, by *Will. Shippard*, in 8. pr. 1 s.

For the Sacred Law of the Land, by *Fr. White*, in 8. pr. 1 s. 6 d. *Examen Legum Angliæ*, or, the Laws of England, examin'd by Scripture, Antiquity and Reason, by *A. Boone*, in 4. pr. 4 s. A Paralel, or, Conference of the Civil Law, Canon Law, and the Common Law of this Realm, to which is added the Pandectæ of the Law of Nations, by *Will. Fulbeck*, in 4. pr. 6 s. formerly 10 s. *Origo Legum*,

or a Treatise of the Origin of Laws and their obliging Power, by *G. Dawson M. A.* in fol. pr. 8 s. *Enchiridion Legum*: a Discourse concerning the Beginning, Nature, Difference, Progress and Use of Laws in general; and in particular of the Common and Municipal Laws of England, in 8. pr. 1 s. *Phillippi's Grandeur of the Law*, in 8. pr. 2 s. A Vindication of the Law, by *Will. Cook*, in 4. pr. 1 s. The Argument of *Nicholas Fuller of Gray's Inn, Esq;*, that the Ecclesiastical Courts have no Power by their Commission, to Imprison or fine any one of his Majesty's Subjects, or put them to the Oath ex Officio, in 4. pr. 6 d. The Law of Laws, by *Rob. Wiseman*, in 8. pr. 3 s. *Jus appellandi ad Regem ipsum*, or a Manifestation of the Kings Part and Power, to relieve his Subjects &c. by *Walter Williams*, in 2 parts, pr. 2 s. The Excellency and Pre-eminence of the Law of England, above all other Human Laws in the World, by *Thomas Williams*, sometime Speaker of the House of Commons, in 8. pr. 2 s. The History of the Common Law of England, divided into 12 Chapters; whereof the last but one, is *Sr. Matthew Hales's Treatise De Successionibus apud Anglos*, or, of Hereditary Descents, to which is addd the Analysis of the Law---by a learned Hand, in 2 Vol. in 8. pr. 7 s. Considerations for Regulating the Exchequer, by *Th. Vernon*, in 8. pr. 1 s. *English Liberties* in 12. pr. 1 s.

M. What do you mean by these bare and borrow'd Titles and Arguments of Law-Books, so well known and so lately re-edition'd or re-notify'd in the Law'-Book-Catalogues?

D. First, I produce them as unexceptionable Witnesses and Law-Interpreters, or Legal Evidences of this Law-News-Design: 2dly, I produce them, as not so well known, nor so well remembred; nor so well consider'd by all those, that this Paper shall come to: 3dly, I produce them, to be advertis'd again to the Publick, since good Books can't be to often advers'd: 4thly, I produce them in the Nature of Law-Tables or Law-Cases, or Titular Reports, (there being several Law-Reports not longer than those Titles, as may be seen in all the Reports, especially the

Mo-

Moderns,) to be occasionally study'd or further writ upon: 5. I produce them as summary Arguments and Abridgments of the Subject, Matter, Causes and Cases of this Law-News-Paper, in the nature of a Repertory or a Docket-Roll, to find out or search for, the Respective Law-Materials, Methods, Judgements, Vouchers, Waranties, Authorities and Records, to make the Learning of the Law more easy and familiar.

M. Which is then the best Method or Methods of Studying the Law?

D. The very same, that is deliver'd in, or may be gather'd out of these following Law-Memoirs. viz. A Direction or Preparative for the Study of the Law: wherein is shew'd what things ought to be observ'd, and what ought to be eschew'd, by Henry Fulleek, in 8. pr. 1 s. 6 d. The English Lawyer, describing a Method for the Managing of the Laws of this Land, and expressing the best Qualities requisite in the Student, Practicer, Judges and Fathers of the same, by Sr. John Doderidge, formerly one of the Justices of the Kings Bench, in 4. pr. 3 s. *Studii Legalis Ratio*, or, Directions for the Study of the Law, the 2d Edition, by W. Philips, in 12. pr. 1 s. A brief Method of the Law, being an exact Alphabetical Disposition of all the Heads, necessary for a perfect common Place; usefull to all Students and Professors of the Laws, much wanted and earnestly desir'd, in fol. pr. 2 s. 6 d. formerly 1 s. 6 d. *Institutio Legalis*, or an Introduction to the Study and Practice of the Laws of England, the 2d Edition, with large Additions, by Will. Bobun of the Middle Temple, Esq; in 8. pr. 6 s. The Promptuary or Repertory General of the Year-Books by Thomas Ash of Gray's-Inn, in 2 Vol. in fol. French, pr. 8 s. A General Table to the Annals or Year-Books, by Th. Ash, in 8. pr. 2 s. The Repertory of Records remaining in the 4 Treasuries on the Receipt-Side at Westminster, and the two Remembrances of the Exchequer, by Th. Powell, in 4to. pr. 2 s. Directions for Search of Records remaining in the Chancery, Tower, Exchequer, by Th. Powel, in 4. pr. 1 s. 6 d. The Journals of all the Parliaments under Qu. Elizabeth, by Sr. Simon d'Ewes, and publish'd by Paul Boves of

the Middle-Temple, in fol. pr. 16 s. or less, tho' formerly 20 s. Historical Collections of the 4 last Parliaments, under Q. Elizabeth, by Heywood Townshend, a Member in those Parliaments, in fol. pr. 6 s. Historical Collections from 1618. to 1629. by J. Rushworth of Lincoln's-Inn, in 5 Vol. An Impartial Collection from 1639. to 1649. in 2 Vol. by Jo. Nalson LL.D. Cambden and Clarendon's Historys, Spelman and Rymer's 15 Vol. &c. A View of Government, by Th. Rymer Esq; in 8. pr. 1 s. *Speculum Juris Anglicani*, or a View of the Law's of England, as they are divided into Statutes, Common Law and Customs, by J. Brydal, in 8. pr. 1 s. Dugdale's *Origines Juriditiales*, fol. pr. 18 s. 3d Edit. Lambard's Works &c.

M. Into how many Principal Branches is the Law of England compleatly divided?

D. Into Statute Law, Customary or Common Law, and Equity; which last includes the King and Privy Council, Chancery, and the House of Lords. It may also be divided into (1) *Jus Coronæ*, or the Rights of the Crown, as it is Establish'd by Law, by Edw. Bashaw Esq; in 8. pr. 2 s. 6 d. Or *Jus Sigilli*, being the Law of England, touching his Majesties four Principal Seals, viz. the Great Seal, the Privy-Seal, the Exchequer-Seal, and the Signet: Also of these Grand Officers to whose Custody these Seals are committed, in 12. pr. 1 s. *Jura Coronæ*; his Majesties Royal Rights and Prerogatives asserted, in 8. pr. 1 s. 6 d. King's Prerogative and Subject's Privileges asserted, according to Law and Reason, in fol. pr. 1 s. (2) Into, *Lex Parliamentaria*, or, a Treatise of the Law and Custom of the Parliament in England, by G. P. Esq; in 8. pr. 2 s. 6 d. *Συλλογολογία*, an Historical Discourse of Parliaments and their Original before the Conquest, and Continuance since: together with the Original, Growth and Continuance of the High Court in Chancery, Upper Bench, Common Pleas, Exchequer, Dutchy, and other inferior Courts, in 8. pr. 1 s.

(3) Into, *Jus Imaginis apud Anglos*, or, the Law of England, relating to Nobility and Genrly, by Jo. Bridal, in 8. pr. 1 s. Special and select Cases concerning the Persons and Estates of all Men whatsoever, in 4. pr. 1 s. 6 d.

(4) Into, A View of the Civil and Ecclesiastical

stical Law, by *Th. Ridly*, the 3d Edition, by *J. G. M. A.* in 8. pr. 3 s. A View of all the Laws and Statutes of this Nation, concerning the Service of God or Religion, by *W. Sheppard*, in 12. pr. 1 s. (5) Into, *Jus Fratrum*, the Law of Brethren, by *John Page*, in 8. pr. 1 s. The Infants Lawyer, 2d Ed. in 8. 1712. pr. 4 s. 6d. (6) Into, the Law of Corporations, 8. pr. 4 s. 6d. *Sheppard of Corporations*. 8. pr. 1 s. (7) Into, the Dominion of the Sea, and a compleat Body of the Sea-Laws, 2d Edit. in 4. pr. 12 s. (8) Into, *Consuetudo vel Lex Mercatoria*, or the ancient Law Merchant, by *Ger. Maynes*, the 3d Edit. in fol. pr. 2 l. 5 s. Laws concerning Trade and Tradesmen, in 12. 1712. pr. 3 s. 6d. The Law against Bankrupts, by *Th. Gooding*, in 8. pr. 4 s. 6d. (9) Into, Landlord's Law, the 3d Ed. by *G. Meriton*, in 12. pr. 1 s. 6d. Tenants Law, the 6th Ed. in 12. 1713. pr. 3 s. (10) Into, Laws of the Forest, by *Jo. Manwood*, the 3d Ed. in 4. pr. 16 s. The Game Law, in 2 Parts, the 5th Ed. in 12. 1714. in 12. pr. 2 s. 6d. (11) Into, *Lex Customaria*, or the Law of particular Customs, of Copyhold estates, Gavelkind, Mines, Stanneries, Wales, Counties Palatin &c. by *S. C.* 2d Ed. in 8. pr. 5 s. *Wingate's Com. Law* as before the Statutes, 8. pr. 1 s. 6d. (12) Into, *Jus Imperii & Servitutis*, or the Law concerning Masters, Apprentices, Bailiffs, Receivers, Stewards, Attorneys, Factors, Deputies, Carriers, Agents and Servants, in 8. pr. 3 s. (13) Into, Laws concerning the Poor, the 2d Edit. in 12. 1708. pr. 2 s. Legal Provisions for the Poor, the 3d Ed. in 12. 1715. pr. 4 s. The Law of Commons and Commoners, in 8. pr. 5 s. The Rights of the Kingdom, according to the ancient Custom thereof, in 4. pr. 3 s. 6d. (14) Into, *Jus Criminis*, or the Law of England touching Matters Criminal, by *Job. Brydall*, in 8. pr. 1 s. 6d. The Gamesters Law, the 2d Edit. in 12. pr. 1 s. 6d. (15) Into, *Non Compos Mentis*, or, the Law relating to natural Fools, Madfolks, and Lunatick Persons, by *J. Brydal*, in 8. pr. 2 s. (16) Into, the Law's Resolutions of Women's Rights, in 4. pr. 3 s. 6d. *Bar. n & Femme*, or the Law of Husbands and Wives, in 8. pr. 5 s. 6d. (17) Into, *Legis Imperium*, in *Juris peritos*, or the

Impartial Lawyer, in 8. 1709. pr. 3 s. 6d.

M. How otherwise can the Law of England be consider'd or divided?

D. 'Tis commonly partition'd by a more Bibliographical Distinction, into it's several Book-Titles, whether Personal or Official, or Material Interpreters of the Law and Tables: as, into Law-Abridgments of larger Volumes, Books entitl'd Arguments, Reports and Readings upon some Law-Subject or other; and into Writings, treating of the Maxims and Grounds of the Law, Customs, Crown-Writs, Courts, Parliament, Statutes, Precedents and Entries, Tryals, Wills and Testaments, Tythes, Clergy, Constables, Sheriffs, Justices of the Peace and other Miscellanies of several particular Things and Persons, related one way or other to the Law, either directly or indirectly. But 'tis something strange, that no particular Treatise by it selfe and apart should ever have been publish'd about the Stannery Courts, nor even of the Courtkeeping *Jura Regalia* of the Counties Palatin; insomuch that our laboriously inquisitive Antiquary, of a famous bulky Reputation, was oblig'd to have Recourse to the Register of the Dean and Chapter of *Durham*, to enable him to give some small tolerable Account of that one County Palatin. Neither is it much less extraordinary, that our diligent Law Catalogue-Writers should omit the printed Tracts of the Customs of the Berge-Moot Courts, and the Laws and Liberties of the Mines and Miners in *Derbyshire*, by *Edw. Manlow*, Steward of the Works, *Lond.* 1653. 8. and re-edition'd with Improvements by *Tho. Howgton*, in 12. *Lond.* 1687. especially since those printed Law-Catalogues mention exactly enough the little Tract of the Laws, Customs, Orders and Rules of the Miners, and of the Court of *Briavells* in the Forest of *Dean* in *Glocestershire*, in 12. pr. 1 s. 6d. as well as *Jo. Kitchin's* Jurisdictions of Petty Counts, and in particular the Court of *Pypowder* or ancient *Demesne*, in 8. French, pr. 4 s. in English, pr. 6 s. The same Catalogues might also have added *Bernard d'Argentre's* Comment. in *Patrias Britonum Leges*. Par. 1614. with a great many others.

LONDON, Printed for *MYLES DAVIES*, the Author of this and *Atb. Britannica*
 In 3 Volumes, at the Corner of Little Queen-Street Holbourn.

The Lawyer's Post,

Num. 2.

O R

An Express to the Practitioners and Clients as well as to the Students and Professors of Law, Equity and good Conscience, both in and out of the Third University of *England*.

By the way of Doctor and Student, or Master and Disciple, or Apprentice en la Ley.

From *Athenæ Britannicæ*, Vol. 1. p. 15, 20. 58, 68. 110. 116. 215. à pag. 304. to 346. Vol. 2. pag. 38, 44, 47, 53, 61. à p. 1. to 25. and à p. 89. to 135. Vol. 3. &c.

For the Diversion of some and Instruction of others.

M.  Hich, or, what is the first Grand Methodical Principle to attain to the awful Knowledge of the Laws of *England*?

D. As the Intention of the Law, is the Life and Being of the Law, so the Reason of the Law, is the Intention of the Law; according to our Law-Oracle, Ld. Chief Just. *Coke's* undoubted Maxim, in his *Institutes*, Par. 1. cap. 4. Sect. 103. *Lex semper intendit, quod Rationi convenit*: The Law always intend's what is consonant to Reason, or what is convenient according to Reason: Or, the Intendment of the Law, is always what is reasonably or rationally convenient: that is, the Law is never against Reason; or, the Law is always grounded upon Reason, which was the Occasion of making that Law.

Whence arise's my Ld. *Coke's* t'other Maxim, ibidem: *Cessante ratione Legis, cessat beneficium Legis*: that is, the Reason, or Occasion of the Law being at an End, both the Use and Advantage of that Law cease's; for this very Reason, *Cessante causa, cessat effectus*. Idem ibidem. (*Idem semper proximo antecedenti refertur*. Ibid. fol. 20. b.) *Nihil quod est contra rationem, est licitum*: For, Reason is the Life of the Law: nay the Common Law itself is nothing but exact Reason: which is to be understood of an Artificial Perfection of Reason, gotten by

long Study, Observation and Experience, and not every Man's natural Reason: For, *Nemo nascitur artifex: Et, ratio melior semper prævalet*. Ibid. fol. 231. b. *Neminem oportet esse sapientiore Legibus*. Ibid. fol. 98. a.

Hence 'tis plain, that the Intention of the Law, is Reason, and the Reason of the Law, is the Occasion, and the Occasion is the History of the Law, and the History of the Law, is the Knowledge of the Law. *Quod erat demonstrandum*. So that upon the Whole, an able English Lawyer, whether Student, Barrister, Counsel, Practitioner, Serjeant or Judge, should as well looke into the History of former Times for the Reasons and Circumstances of our Laws, as into Law-Books for the Matter of them; and consequently reduce every Statute as well as every Record, to the Reason of the Common Law and Custome, whereon it is grounded or occasion'd. See *Stamford's Pleas of the Crown*, Epist. ad Lector.

M. Whose, which or what Collections be the Standards of the History or Occasions and Reasons of our Laws, as well as of the several Subjects and Matter or Contents thereof?

D. Doubtless, the Recorded Series, not only, of the Law, but also of the Lawyers and Conveyancers or Assurancers thereof; that is, the Writings, Memorials, Maxims, Prin-

Principles, Memoires, Rules, and Records, preserv'd, deliver'd, inur'd, and publish'd by, in, and from the first Law-Makers, Law-Judges, and Law-Professors.

M. Which and where be those Law-Originals?

D. The first Law-Registers are those of the *Romish* Offspring, mostly preserv'd, settled or repar'd and publish'd by our Legal Reformation. *viz.* The Law-Annals or Year-Books and the Court-Rolls belonging to the like Termes or Dates; old Book of Entries, *Novæ Narrationes & Articuli*, old *Natura Brevium*, *Custumier de Normandie* and *Glanvil*, *Bracton* and *Fleta*, *Hengham* and *Horn*, *Breton* and *Fortescue*, *Statbam* and *Littleton*, *Saint-Germain* and *Fitzherbert*, *J. Perkins* and *Register Brevium*, *Stamford* and *Brook*, *Rastal* and *Plowden*: these be all of the *Romish* Law-Race as yet publish'd: whereof all, except perchance the 2 last, liv'd and dy'd before the full Establishment of our Protestant Legal Constitution; and consequently they were more than occasional Conformists to *Popery* in their several Ages and Stations: but no *Popish* Non-Conformist Lawyer writ any Law-Tract ever since the first Settlement of the Church and State of *England*, according to our Legal or Law-Protestantism, or, ever since the first Reformation of the Law according to the Lawful and Rightful Establishment of our Protestant Church and State under *Qu. Elizabeth* of happy Memory; except perhaps *J. Latch* and *Tho. Blount*: tho' *Jo. Latch* was but a Pervert to *Popery*: he was originally of *Upper-Langford* near *Church-Hill* in *Somersetshire*, and of *St. John's Coll. Oxon*, and at last of the *Middle-Temple*: but at length he was perverted to the *Popish* Religion by one *Francis Harvey*, aliàs *Hanmer*, a Solicitor, who was afterwards committed to *New-Gate* for his Estate, which he had defrauded. However, *Latch* dy'd at *Hayes* in *Middlesex* 1655. His Reports of the three first Years of *Charles* the 1st in the *Kings Bench*, were printed in fol. *French*, 1662. pr. 6 s. formerly 10 s. The t'other late *Romish* Law-Writer *Tho. Blount* was Son of *Myles Blount* (my Grandfather and Godfather) of *Orleton* in *Herefordshire* (fifth

Son of *Roger Blount* of *Monkland* in the same County) was born at *Bordsley* in *Worcestershire*: sometime after he was of the *Inner-Temple*. He writ the *Academy of Eloquence &c.* the *Catholick Almanack* for 1661. 62. 63. and against *Booker's Almanack &c.* The *Key of Paradise*, a *Manual of Popish Prayers*, and several such superstitious Tracts (which after his Death, were taken out of a secret Place in his Chimney made for that Purpose, in his Chamber, and burn't deservedly in some of the *Temple-Squares*) being set to work by a *Popish* secular Priest call'd *John Seargeant*, and a melancholy *Popish* Gentleman nam'd *J. Austen*. *Tho. Blount* writ also a Book call'd *Boscobel* in 2 Parts, with another *Clastrum Regale reseratum*, or *King Charles* the 2d's Concealment at *Treal* in *Somersetshire*, publish'd by *Mrs. Anne Winsham* of *Treal*, at *London* 1659. & 1679. *Les Termes de la Ley*, or *Termes of Law*, edition'd by *Tho. Blount*, with the Addition of 100 Words, in 8. *French* and *English*, pr. 5 s. and re-edition'd with fresh Additions, 1708. pr. 6 s. *Nomo-Lexicon*, A Law-Dictionary, by *Tho. Blount* in fol. 2d Edit. pr. 10 s. as before. There's another Law-Dictionary printed in 1708. in fol. pr. 10 s. *Fragmenta Antiquitatis*, Ancient Tenures and Jocular Customs; by *Tho. Blount*, in 8. pr. 2 s. *Animadversions* upon *Sr. Rich. Baker's Chronicle*, and it's Continuation, by *T. Blount*, *Oxon.* in 8. 1672. He with one *J. B.* compil'd a *Chronicle* still in MS. He dy'd in 1679. See more of *Blount's* Family in the 3d Impression of *Hen. Peachman's* compleat Gentleman, *Lond.* 1661. p. 230.

M. Which be our Law-Standards since the Reformation?

D. Tho' the Learned Judges, *Fineux* and *Fitzjames*, as well as the Chancellors *Audley* and *Rich.* under *Hen. 8.* and *Edw. 6.* favour'd the Reformation, with most of the other Contemporary Lawyers, yet they either turn'd *Papists* again under *Qu. Mary*, or dy'd before any great Settlement of Religion in themselves any more than in the Publick. Nevertheless, we have 3 Law-Sages, of those chancelling Times in the Beginning of the Reformation, whose final Conversion from *Popery* and Law-Memoires will be for ever Recorded

ed as standing Rules and Paterns for our Protestant Law-Bench and Bar. viz. good Judge-Hales, who rather than to comply with the illegal Demands even of a dying and well intending Sovereign's (*Edw. 6.*) Entreaty as well as Commands, much less to submit to a Court-favorit's (*Duke Dudley*) exorbitant Threats, against the legal Conviction of his own Conscience, he chose to sign the King's pious and reasonable, tho' illegal at that Time, Will and Testament, and the Protestant Cause with the Sacrifice of his own Life, which he foresaw, was to be soon after expos'd to the Ingratitude of a persecuting Popish Queen, the Dis-inheriting of whom he had so lately and so absolutely refus'd to subscribe, tho' most of the Bench had done it, and all his worldly Interest so lowdly call'd him to it. See the whole Memorial of that untainable Law-Protestant Convert, in *G. Fox*, and other respective Historians and Registries. The t'other two primary Law-Paterns of and for a truly reform'd Bench and Bar, were the Learned Law-Converts from Popery, *Sr. Edward Mountague* and *Sr. John Jeffrey*.

Sr. Edw. Mountague was *Ld. Ch. Just.* of the King's Bench first, then of the Comm. Pleas under *K. H. 8.* and again under *K. Edw. 6.* he was made *Ld. C. Just. of England*, but laid aside upon *Qu. Mary's* Accession to the Crown. He was Son of *Tho. Mountague*, born at *Brigstock* in *Northamptonshire*, and bred in the Inner-Temple. Upon his being made Serjeant and *Ld. Ch. Just.* 37. *H. 8.* he gave for his Motto and Maxim, *Aequitas Justitiae Norma*. For, tho' Equity seems rather to resent of Chancery than of the King's Bench, yet the best Justice without a Mixture thereof, will be but Wormwood: And indeed, Equity is a considerable Part, (tho' not the Essence, as 'tis of Chancery,) even of Common Law: For, most Motions made in Law-Courts, is the natural Exercise and Result of the equitable Part of strict Law, as being generally but Craving Favours of the Court, which are sued for, and granted according to the respective legal Course of Equity, not by any known Common Law, tho' often in Mitigation and Relaxation of some Part thereof: Neither

did Common Law ever scruple, to make void any Bonds, Facts or Deeds, or even the fullest Promissaries and Obligatories, that could not prove some suitable or valuable or equitable Consideration; which doubtless is Equity, and not the Letter of the Law. Therefore his constant Maxim and Apothegm was, *Meum est Jus dicere, potius quam Jus dare*: 'Tis my Duty to interpret rather than to give the Rigour of the Law; even upon the Regal Injunctions and Absolute Mandates of *Hen. 8.* who could never endure a Lawyer that would not be guided, nor a Divine that would not be taught: yet honest *Mountague* would act but by the King's Law, tho' he submitted to his Power. Our true Protestant Convert, Judge *Mountague*, never deny'd nor delay'd Justice: always disencouraging those crafty Lawyers, that perplex'd a Cause, and those contentious Clients that delay'd a Suit; and those nice Cummin-seed Pleaders that strain'd Inferences and wrested Constructions. *Sr. Edward* was ever staid, patient and eaven in Hearing, grave in Speaking, pertinent in Interrogating, wary in Observing, happy in Remembring, seasonable and civil in Interposing. The Counsel durst not chop with him, neither would he flout or flounce at the Counsel, much less browbeat Witnessees or the *Amicos Curiae*; neither durst the Bar breake in, upon the Bench, nor Counsel upon one another. But if Counsel defended his Cause over boldly, or urg'd indiscretly, or inform'd slightly or slyly, or neglected grossely, or renew'd the Debate unseasonably, or ensnar'd his Adversaries cunningly, the primitive good Protestant Convert, *Ld. C. Just. Mountague* would do the publick Right by a Check, and the Lawyer, by an Admonition. *Sr. Edward* discountenanc'd 6 Sorts of Persons in his Court: 1, the scandalous Exactors: 2, the Sly-shifters, that bring Justice into oblique Lines and Labyrinths, and pervert the plain and direct Courses of Courts: 3, those that engag'd Courts in Quarrel of Jurisdiction: 4, those that multiply'd Suits: 5, those that hunted others upon Penal Statutes: 6, those that appear'd in most Testimonies or Evidences and

and Juries. *Sr. Edward* in the next Reign, promoted the Act against Spreading of Prophecies; and the Statute against Embasing of Coyn. This Pattern of Justice would have no other Favorit but the Honest Lawyer, who was experienc'd in his Station, obliging in his Carriage, knowing in Presidents, cautious in Proceedings, and skilful in the Affairs or Rules and Courses of the Court. But at last, zealous *King Edward's* Testament and the designing Duke *Dudley's* Will was to be made by our Sage-Judge much against his own. The King charge's him upon his Allegiance, and the Council upon his Life, to make the King's Bill of Testamentary Articles into a Book of Law-Record: which at last he did, when the King and Council promis'd him it should be ratify'd in Parliament: here was his Obedience more passive than active, and not his Contrivance or Invention; not to *Devise* but *Draw* things according to the Articles tender'd unto him. Which Sage-Conduct enabl'd him to bid Defiance to his *Popish* persecuting Enemies, as well as Adieu to *Westminster-Hall*, retiring to his own Hospitable Hall at *Boughton* in *Northamptonsh.* where he dy'd A. 1556. and lyeth bury'd in the Parish Church of *Weekely*: but he will ever live in the Minds and Actions of all wise Protestant Judges and Patriots, as a first noble Law-Protestant Profelyt-Pillar, and a finish'd Patern and Example to both Bench and Bar.

The third early Law-Protestant Convert from *Popery*, and reform'd Patern for Bench and Bar, was *Sr. John Jeffrey*, who was of the *Ancient Britain* Extract, tho' born in *Sussex*. He was first made Judge of the Common Pleas, and thence advanc'd by *Qu. Elizabeth* to be Lord Chief Baron of the Exchequer. He dy'd in 21 of *Q. Elizab.* and left behind him a fair Estate to his only Daughter and Heir, marry'd to *Sr. Edw. Mountague*, (afterwards Baron of *Boughton*) by whom he also had but one Daughter, *Elizabeth*, marry'd to *Robert Bertie* Earl of *Lindsey*, Mother to the late *Mountague Bertie*, Earl of *Lindsey* and *Ld. High-Chamberlain* of *England*. This wor-

thy Judge propos'd to him self 5 things (vid. *Waterhouse in Fortescue de Laud. Leg. Angl.*) to enquire unto, in order to that Compleatness he arriv'd unto: 1, the ancient Maxims and Principles, or, the more ancient Customs, that make up the Common Law of *England*: 2, the Acts and Constitutions, that make up it's Statute-Law: 3, the particular Privileges, Liberties and Usages of Counties, Burroughs, Cities and Places, that do swerve or deviate and vary from this Law: 4, the ancient Grounds and Reasons (as far as History can direct) of all these; our Law being an exact Reason: 5, the most satisfactory Explanation of the Law (1) from Commentaries as *Bracton's* and *Littleton's* (2) from Abridgements, as *Statham's*; (3) from History, as the Years and Terms of the Common Law; and (4) from more particular Tracts, that handl'd their peculiar Subjects, as *Glanvil*, *Fleta*, *Breton*, *Fortescue*, and miscellaneous Tracts and Historians; which he thought not unprofitable to read, tho' dangerous to relye upon: (with the Lord *Coke*, not liking those that stuff their Mindes with wandering and masterless Reports: for, as he said, they shall find them too soon to lead them to Error) beginning with the Terms of Art, and then to the Matter: perusing what is antiquated, and observing what is suitable to the present Constitution and Complexion. It's my Lord *Coke's* standing Rule, that for the most part the latter Judgments and Resolutions are the surest, and therefore fittest to season a Man withall in the Beginning; both for setting of his Judgment, and retaining them in Memory; yet as he goeth on, out of the old Fields must spring and grow the new Corn. *Sr. John's* Course was slow and leisurely; his Reading digested and deliberate; his Consideration wary, and Distrust, his way to Knowledge: He that begin's with Certainties, end's in Doubts; as he that begin's with Doubts, end's in Certainties, and looks into the Bottom of things. Upon serious and solid Books our Sage-Judge bestow'd a double Reading; the one cursorily by way of Preparation; and the other exact, by way of Digestion. He observ'd always the Affections, the Intent, the Analogy, and the Validity of the Law, putting all his Reading to Writing &c.

LONDON, Printed for *MYLES DAVIES*, the Author of this and *Ath. Britannica*,
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The Lawyer's Post,

Num. 3.

O R

An Express to the Practicioners and Clients as well as to the Students and Professors of Law, Equity and good Conscience, both in and out of the Third University of *England*.

By the way of Doctor and Student, or Master and Disciple, or Apprentice en la Loy.

From *Athenæ Britannicæ*, Vol. 1. p. 15, 20, 58, 68, 110, 116, 215. à pag. 304. to 346. Vol. 2. pag. 38, 44, 47, 53, 61. à p. 1. to 25. and à p. 89. to 135. Vol. 3. &c.

For the Diversion of some and Instruction of others.

M. **B**UT how stand's the Series or Order of our Protestant Law-Conveyancers and Legal Assurancers, whose Writings have been publish'd since the Reformation here Establish'd in Church and State according to Law?

D. These following primitive Converts from Popery, as they first appear'd Recording and Recorded according to their Seniority or Biographical Chronology of their several Works, Lives and Deaths: viz. *Sim. Fish*, *W. Fulbeck* and *G. Ferrers*, all 3 Gentl. Barristers of Gray's-Inn, and all 3 of the first Protestant Converts from Popery, in all *England*, and the very three first Protestant Law-Writers, that publish'd any thing of Law or Gospel: The next first Lease of Protestant Law-Writers, being early Converts from Popery, were, *Th. Payer*, *T. Owen* & *Will. Lambard*, all three of Lincoln's-Inn, and great Antiquaries as well as practical Counsellors at Law: The third primitive Pair of Protestant Law-writing Converts from Popery, were, *Sr. James Dyer* and *Will. Fleetwood*, both of the Middle-Temple; Chancellor *Hatton* and *Sr. Roger Manwood*, both, as I take it, of the Inner-Temple; *Gregory Moot-bock* and *Rob. Kellewey*, *Will. Dallyson* and *William Bendloe*, and *Sr. Thomas Smith*; these were all of our first Protestant

Law-Authors and Converts from Popery, whose Writings were any ways publish'd under *Q. Elizab.* or since: for the 3 other Chancellors of her Reign, *Sr. Nicholas Bacon*, *Sr. Tho. Bromley*, and *Sr. Jo. Puckering*, with the *Ld. Ch. Just. Sr. Christoph. Wray*, and *Sr. Edw. Poyning*, and *Sr. Henry Sidney*, the 2 famous *Ld. Lieutenants* and *Law-Chief Justice-Regulators of Ireland*, and all the other Learned Lawyers and Senators or Justices of that first happy Protestant Reign, never had any of their Law-Writings as yet printed, except some Speeches and Legal Ordinances or Nomological Maxims: except also *Sr. Symonds d'Ewes* and *Heywood Townshend*, who collected the Journals of all the Parliaments of the same first Protestant Establishment; tho' those respective Collections were not publish'd till a great many Years after, even after the Death of the Collectors themselves, who liv'd almost two Reigns more, for all their being Members of Parliament in most of those Sessions respectively related by them under *Q. Elizab.*

Likewise not only all the Protestant Lawyers and Law-Authors of that prototypal Reforming and Reform'd Reign, were all Converts from Popery, as well as great *Elizabeth* herself and almost all the whole Kingdom, but also all or most of our Law-Writers following of the 2 subsequent Reigns till 1641. were

were themselves or their Fathers and Mothers, all Converts from Popery: for even the *Ld. Ch. Just. Coke* was born about the Beginning of *Q. Mary's* Reign, tho' he liv'd till 1634. and to the Age of 83. and *Sr. George Crooke* that did not dye till 7 Years after *Coke*, yet was born in the 1st or 2d Year of *Q. Elizabeth*. So, most of all the considerable following Law-Standards were also Converts, or turn'd from the Popish Religion to conform to the Protest. Establishment and the Reform'd Legal Constitution in Church and State. *viz.*

Sr. Jo. Popham, Sr. Edm. Anderson, Sr. J. Savil, Sr. Franc. More, Sr. Tho. Egerton, Sr. Franc. Bacon, Sr. Jam. Lee, Sr. Symonds d'Ewes, Sr. Jo. Doderidge, Sr. Jo. Bridgman, Sr. Humphrey Winch, Sr. Rob. Cotton, Sr. Edw. Coke, Sr. George Cary, Sr. George Crook, Sr. Henry Spelman, Sr. Hen. Finch, Sr. Henry Yelverton, Sr. Henry Hobart, Sr. Henry Calthorp, Haywood Townshend, Nich. Fuller, Ferd. Pulton, Mich. Dalton, Sim. Theloal, Rich. Lane, Justice Godbolt, Will. Leonard, Edw. Bulstrode, Edw. Waterhouse, Rich. Crompton, Will. West, Nic. Covert, J. Goldsborough, Rich. Brownshow, Styles and George Townshend, J. Clayton, Sr. Th. Hetley & J. Allen.

Edm. Wingate, J. Selden, Edw. Leigh, Will. Prynne, Will. Hughes, Will. Sheppard, Serjeant Thorp, Tho. Ash, Jo. March, Ch. Just. Hen. Rolles, Sr. Matt. Hales, J. Rushworth, Sr. Job. Maynard, Sr. Rog. Twissden, Sr. Tho. Hardress, Will. Style, Sr. Rich. Hutton, Sr. Will. Jones, Hen. Scobel, Hen. St. John, J. Hern.

Sr. Jo. Davis, Will. Noy, Sr. Edward Littleton, Judge Dav. Jenkyns, Mr. Hunt, Sr. Jo. Pettus, J. Brydal, Fab. Philips, Sr. Edw. Herbert.

Sr. Geoffrey Palmer, Sr. Orlando Bridgman, Sr. Will. Dugdal, Sr. Tho. Jones, Sr. Jo. Vaughan, Sr. Edm. Saunders, Sr. Jo. Keyling, Sam. Carter, Sr. Th. Robinson, Sr. Tho. Raymond, Sr. Charles Ingleby, Sr. Robert Atkins, Tho. Siderfin, Will. Petyt, Will. Atwood, Sr. James Astrey, Sr. Henry Pollexfen, Sr. Peyton Ventris, Sr. Creswell Levinz, Sr. Edward Lutwich, Sr. Barthol. Showre, Kneightlye Danvers, Tho. Madox, and Tho. Rymer.

Henry Bath, Will. Brown, Rice Vaughan, Will. Sommer, Silas Taylor, Jo. Trye, Jo. Hansard, Rob. Moyle, Andr. Vidian, Will. Hakewel, M. Hawke, George Meriton, Jo. Wilkinson, Will. Bohun, Will. Nelson, Geor. Duke, Rich. Kilburne, and Mr. Milles.

M. How stand's the Pedigree of our Civilians, or Canonists?

D. Thus: *W. Linwood, Rob. Sharrock, Sr. Tho. Smith, Jam. Cowel, Arthur Duck, G. Dawson, Sr. Sim. Degge, Sr. T. Ridley, Rich. Zouch, Edw. and R. Chamberlaine, J. Nalson, Jo. Godolphin, H. Swinburn, Rob. Wiseman, Fr. Clark, H. Conset, H. Cary, J. Ecton, G. Cook, W. Watson and Edm. Gibson.*

M. Who are the principal or particular Law-Authors of the Irish Law-Constitution?

D. *Sr. Edw. Poyning, Sr. Henry Sidney, Sr. Jo. Davies, Sr. Will. Jones, Mr. Bolton, Sr. Jam. Ware, Charles Molloy, and Will. Ryley* of the Inner-Temple, with the Anonymous Collectors of the Irish Tenures, and of the Irish Acts of Parliament. As those of the Civilian Constitution in Scotland be chiefly, *George Buchanan, Sr. John Skene, Sr. Th. Murray* and *Sr. George Mackenzy.*

M. Of all those respectively unexceptionable Authors and Standards of our Legal Constitution, which are the principal, or first and most to be read, mostly to be study'd, argu'd or rely'd upon? that is, which or how many of those Law-Collectors are chiefly and lastingly or longest and oftneft to be convers'd withal, so as to be always from first to last of the standing Cabinet-Lecture, or Closet-Counsel and Argumentative or Authoritative Use and Credit?

D. Without the least Doubt, the Records, Writings and Evidences of Law and Equity, publish'd by, in and from the Works and Collections of *Will. Lambard, Will. Fulbeck, Sr. Edw. Coke, Chancellors Egerton and Bacon, Sr. Symonds d'Ewes, Heywood Townshend, Sr. John Doderidge, Will. Leonard, Sr. Humph. Winch, Sr. Hen. Spelman, Sr. Rob. Cotton, Sr. George Crook, Sr. Will. Jones, Jo. Selden, Henry Rolles, Sr. Matt. Hales, Will. Sheppard, Will. Hughes, Dav. Jenkyns, Joseph Keble, Edm. Wingate, Sr. Will. Dugdale, Sr. Edm. Saunders, Sr. Rob. Atkins, Will. Petyt, Will. Atwood, Sr. Henry Pollexfen, Sr. Creswell Levinz, Sr. Peyton Ventris, Sr. Edw. Lutwich, Kneightley Danvers, H. Curson, Will. Brown, Will. Bohun, Will. Nelson, and George Duke.*

Sr. Thomas Ridley, John Godolphin, Sr. Jo. Davies, Sr. Jam. Ware, and Sr. George Mackenzy.

M. Which of all our foremention'd Law-Authors, that were Protestants or converted from Popery, collected or writ most?

D., Doubtless, *Will. Prynne* of Lincoln's-Inn,

Inn, Sr. *Edw. Coke* and *Jo. Selden*, of the Inner-Temple, *Will. Hughes*, *Will. Sheppard*, *Joseph Keeble*, (all three of Gray's-Inn,) *Will. Brown*, Sr. *Will. Dugdal*, and *Th. Rymer*.

M. Which collected or writ best?

D. Without any Exception, *Will. Lambard*, Sr. *Edw. Coke*, *Chanc. Egerton*, *Jo. Selden*, Sr. *Henr. Spelman*, *Orl. Bridgman*, Sr. *Mat. Hales*, Sr. *W. Jones*, Sr. *H. Hobart*, Sr. *G. Crooke*, *H. Rolles*, Sr. *Edm. Saunders*, Sr. *J. Vaughan*, *Mich. Dalton*, Sr. *W. Dugdale*, *W. Sheppard*, Sr. *Symonds d' Ewes*, *Heywood Townshend*, *J. Nalson*, Sr. *J. Maynard*, *W. Ryley*, Sr. *Jam. Ware*, Sr. *Rob. Atkins*, Sr. *Peyton Ventriss*, Sr. *Creswel Levinz*, Sr. *E. Lutwich*, Sr. *G. Makenzy*, *W. Brown*, *H. Curson*, *J. Lilly*, *J. Godolphin*, *W. Watson*, *J. Eeton*, *Th. Rymer*, *Gil. Jacob*, *T. Madox*, *Knighl. Danvers*.

M. What Order should a Student of the Legal Constitution of Great Britain observe in Studying and Reading?

I. D. First he ought to read in the *Latin* as well as *English*, those excellent Dialogues, call'd Doctor and Student, writ by that solid and honest Barrister of the Inner-Temple, *J. Seyntgerman*, who was a good Protestant in his Principle and Practice, tho' not in his thorough Departure from the Church of Rome: then to subjoin *Will. Fulbeck* of Grays-Inn's Dialogistical Conferences or Parallels of other Laws with those of this Realm. As to the first, he has been spoken of Biographically and Bibliographically in Vol. 1. *Atb. Britan.* à p. 215. ad 219. where also p. 57. 58. may be seen the like Account of that Original Law-Protestant Convert from Popery, *Sim. Fish* of Grey's-Inn, whose young and first-born as well as true-born Protestant Law-Tract was styl'd according to true Christian Legal Charity, the Supplication of Beggars, which the great Popish Chancell. More could not confute with all his Supplication of Souls, tho' he apply'd all his Weight and Abilities against that first poor Protest. Barr. *Fish*, as being always a great Contemner and Condemner or Hater of all Profelytes or Converts (which he call'd Apostates and Turn-coats) that turn'd from Popery to be Protestants: Hereby our hereditary Protest. Student may betimes imbibe with the Beginning of his Law-Studies a con-natural hereditary Zeal for the Post-nati Protest. Converts from Popery, especially the poor

Schollars of them, (who are little better than Beggars in Forme, tho' not of the Statute,) unless he fore-think's that his Forefathers, the first Protestant Profelyts from Popery, should have exhausted all Profelyt-Usefullness and Sincerity, so as to leave nothing thereof to any that should turn Protestants, after the full Establishment of the Protestant Religion; and then bequeath it as a Principle to their Posterity of true-born hereditary Protestants, that all future Protestant Converts from Popery, were to have a Papal Dispensation as a Farewel-Token, for to be good for nothing, as well as to live miserably and dye unconverted Protestants: but from the Beginning it was not so: tho' now some hereditary Protestants seem to have agreed upon that Cartell with the true-born Papists, that Fugitives or Converts on both Sides should be treated as Spies, or not to be trusted: But 'tis certain, the Papists break that Cartel as well as their Faith or Word with those, they call Hereticks, however, such true-born Protestants manage that Article: which was otherwise in the Days of the 2d Protest. Law-Author to be initially perus'd by our young Law-Student, viz.

Will. Fulbeck, who was Son of *Th. Fulbeck*, Mayor of the City of *Lincoln*, where he was born, and thence sent to *St. Alban's Hall Oxon*, in 1577. aged 17. and was Scholar of C.C.C. in 1579. 23. Jan. whence he remov'd to *Gloucester's-Hall, Oxon*, and at last went to Gray's-Inn; where being call'd to the Bar, he publish'd his *Christian Ethicks* at *Lond.* in 8. 1587. and his *Historical Collection of the Roman Common Wealth*, in 8. *Lond.* 1600. and in 4to 1601. and his *Parallel of the Civil, Canon and Common Law of this Realm*, in 4. *Lond.* 1602. and his *Pandecks of the Laws of Nations*, printed in the same Year and Form, and in 1618. and since, both those Initiating Treatises were also printed together, and sold formerly for 10s. but now for 6s. together: therewith our young Law-Students ought to read, his *Direction to the Study of the Law*, printed in 8. *Lond.* 1600. publish'd for, or to, or by, or in his Son's or Kinsman's *Hen. Fulbeck's* Name &c. to the same Purpose, there were 2 Tracts printed and bound together, in 4. *Lond.* 1629. to the first whereof, the Title

Title is, the *Lawyer's Light*, or a due Direction for the Study of the Law, written by *J. D.* The Title of the 1st other, is, the Use of the Law, provided for Preservation &c. *Will. Fulbeck* dy'd about the latter End of *Q. Elizabeth's* Reign &c. This first Step in Law-Studies will take up about 6 Month's time; without any Cramping of youthful Amusements, at the same Time, besides the Reading of *Cowell's* Institutions pr. 2 s.

2. The next Book, our Law-Students ought to take in Hand, is *Geor. Ferrers's* Mag. Charta, translated out of *French* into *Latin*, printed by *Tottel* 1519. and *R. Pynson*, in 12. Lond. 1527. & 1618. for the Company of Stationers, cum Privilegio: and since in 8. pr. 2 s. 6 d. and translated into *English* by *Edw. Coke*, in 8. pr. 1 s. *Ferrers's* *Latin* Translation begins, *Hic habes, Candide Lector, Leges &c.* This *George Ferrers* was one of the first primogenial Converts from Popery, originally of or near *St. Albans* in *Com. Hertford*, and Barrister of *Lincoln's-Inn*. He dy'd at *Flemstead* in *Com. praedict.* in 1579. See more of him in *J. Leland's* *Encomia* &c. As also in *R. Crompton's* Jurisdiction of Courts p. 7, 8, 9, 10, 11. who being elected Burgess for the Town of *Plymouth* in *Com. Devon.* in 1542. 34 *Hen. 8.* happen'd to be arrested at the Suit of one *While*, as a Surety for the Debt of one *Welden* of *Salisbury*, upon a Writ of Execution out of the King's Bench: but upon Complaint made to *Sr. Th. Moyle*, then Speaker of the House of Comm. *Ferrers* was not only dischar'd from his Imprisonment in one of the Counters of *London*, tho' with much ado, but also from his Collateral Debt, carry'd by 14 Voices in the House of Com.; the Sadle being order'd to be put upon the right Horse, and the Sheriffs and Mayor of *London* being brought to Submission. Whereupon *K. Henr. 8.* sending for the Speaker, Chancellor *Audley*, and *Ld. Ch. Just. Montague*, commended the Proceedings of the House, against the Breach of Privilege, pursuant to the unanimous Sentiments of all the rest of the Judges then and there present with his Majesty, tho' only *Audley* and *Montague* then spoke after the King's Speech, in Confirmation thereof. See the whole Proceedings at large in *Petty's* *Miscellanea Parliamentaria* &c. This short Stage, tho' lengthen'd somewhat with *Wingate's* *Briton*, and Abridgment of the Statutes and his Continuation, and *Selden's* *Fleta* & *Forrescue*, by *Waterhouse* (pr. 6 or 7 s. each) need not take up above six Month's more, and allowing time enough in the Interim, for some growing Follies of youthful Company and some slippery Faillures of Youth.

3. Hereunto our Law-Students ought to add, *Will. Lambard* of *Lincoln's Inn's* *Archaionomia*, or a Book of the ancient Laws of the *English*; with *Sr. Roger Twissden's* Collection of *Leges Henr. 1. &c.* together printed at *Cant.* by *Abr. Whelock*, in 1644. fol. pr. 1 l. but first printed at *Lond.* fol. in 1568. and *Lambard's* *Perambulation of Kent*, printed at *Lond.* in 4. 1596. and his *Irenacha*, or the Office of the Justices of Peace; with the Duty of Constables, Borsholders, Tithing-men, &c. edition'd at *Lond.* in 8. 1602. pr. 3 s. but the latter of those Tracts, was printed by that great Practitioner, *Will. Brown*, with Improvements, in 12. Lond. 1677. and *Lambard's* *Archeion*, of the High Courts of Justice

in *England*; in 8. pr. 1 s. 6 d. To the Reading of these Law-Originals, should be added *Will. Somner's* Tract, of Gavelkind, in 8. pr. 5 s. And *Silas Taylor's* History of that same ancient *British* Tenure, in 4. pr. 3 s. And for the further Preparation of our Law-Student to fasten upon the grand Bulk of the Law in *Coke's* Commentaries upon *Littleton's* Tenures, and his other Law-Reports and Legal Oracles, here should be premis'd also *Gregory's* Moot-Book, (in *French*, 8. pr. 2 s.) printed and made in *Q. Elizab. Reign*, say's *Will. Hughes* in his Translation of it into *English*, in 4. pr. 4 s. However, our Original Protestant Law Author *Will. Lambard*, was properly speaking the first great Lawyer-Profelyte that turn'd from Popery to our Protestant Establishment and Conformity, or that publish'd any thing considerable in the Matter of our reform'd Laws, in such methodical Branches thereof, as are still in use, and has ever since obtain'd; as may be seen in the foremention'd Titles of his several Law Originals, and particularly in his Reports of Chancery-Causes, publish'd by *Sr. Geor. Cary*, one of the Masters of Chancery, in 8. Lond. 1616. pr. 2 s. 6 s. and *Fruit de les Pleadings* &c. in 8. Lond. 1601. by *Rich. Cary*. For neither the great *Fitzherbert* nor any other of the foregoing Lawyers of the Popish Start, ever writ any Reports, especially of Chancery, nor any thing under the Title of Reports. So that *Will. Lambard* is not only our first Profelyte Law-Author, and our first Protestant Antiquary, but also the first fruitful Father and Fountain of all our Protestant Law-Writers, ever since the happy Establishment of our Legal Reformation. This Course to run it well over, will take up a twelve-Month, with a Bar to dayly Taverns.

And about a 12 Month's time more, for the additional Reading of *Sr. Will. Dugdale's* *Origines Juridiciales*, or, the History of the Law, in fol. pr. 18 s. for the 3d Edit. *Chron. Juridicalia*, in 8. pr. 4 s. *Sr. Hen. Spelman's* Glossary, in fol. Latine, pr. 1 l. 16 s. 6 d. formerly 18 s. *Spelman's* Discourse of the Terms of the Law, in 80. pr. 1 s. *Edw. Leigh's* Philological Commentary, or Illustration of the most obvious and useful Words in the Law, in 8. pr. 1 s. As also, *Bern. d'Argentre's* *Commentaria in Patrias Britonum Leges*, Edit. Paris 1614. *Dissertation sur le Relief de Fieff en Normandie*, par *Mr. De Fort*, à *Rouen*, in 12. 1710. *Dissertatio Inauguralis, De Originalibus Feudalibus*, per *Joan. Otho Keller*, *Hannoveranum*, Halle, in 4to 1710. The Customs of *Normandy*, in fol. pr. 30 s. formerly 20 s. *Selden's* *Fani Anglorum facies altera*, and *England's* *Epinomis*, with 2 more Tracts of his, in fol. pr. 6 s. *Ingulfus's* History, *Latin*, publish'd by *Sr. Henry Savil*, inter 5 *Scriptores Rev. Angl.* in fol. Lond. 1596. & *Francof.* 1601. *Roger of Hoveden's* *Annals*, in *Lat.* Edit. Ibid. per eundem. *Eadmerus's* History, *Latin*, in fol. Lond. 1623. with *Mr. Selden's* Notes. *Mr. Tanner's* *Notitia Monastica*, in 8. Oxon. 1695. An Historical Account of the Principality of *Wales*, *Dutchy of Cornwall*, and *Earldom of Chester*, by *Sr. Jo. Doderidge*, in 8. 2d Edit. in 1714. pr. 2 s. 6 d. The History of the Common Law of *England*, by *Sr. Matthew Hales*, in 8. 2 Vol. pr. 7 s. The *English* Lawyer, by *Sr. Jo. Doderidge* in 4. pr. 3 s. with the Abridgment of Taverns.

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For the Diversion of some and Instruction of others.

M.  HIGH is the next Degree of Law-Studies?

D. Here by the way, our Law-Student is still to remember, that he must have his common Place-Book in Order, for to write or minute down the most Remarkable Things and Persons in all his (what, and where or whensoever) Studies all his Life-time, as well as in this last double Stage of Law-Lecture-Preparatives, according to our primitive Protestant Judge Sr. John Geffrey's foregoing Rule, and according likewise to the abovemention'd *Method for the Managing of the Law, being an exact Alphabetical Disposition of all the Heads, necessary for a perfect common Place*, in fol. pr. 2 s. 6 d. and *Job. Clayton's Topicks in the Laws*, in 8. pr. 1 s. and *W. Bobun's Institutio Legalis*, in 8. pr. 6 s.

Which Method, the Law-Student must perpetually continue, not only when and whilst he fasten's and dwell's upon the Whole of the Law, contain'd in the Abridgments of *Glanvil, Horn, Bracton, Statbam, Littleton, Fitzherbert, Brook, Stamford, Plowden, Lambard, Sheppard, Hugbes, Rolle, Lutwich, Jacob, Brown, Curson Nelson & Danvers*, but also when and whilst he expatiat's, consults, ranges, cultivates and ruminat's upon, and in the

Collections, Reports and Maxims, of the Lds. and Chancellors *Th. Egerton* and *Fr. Bacon*, *Coke, Crook, Leonard, Winch, Hobard, Spelman, Selden, Jones, Bridgman, Dugdale, Reyly, Ware, Hale, Keyling, Vaughan, Saunders, Pollexfen, Ventris, Lewins, Makenzie, Rymer* and *Madox*. Who altogether make up the main Standards and Grand Sages of our Legal or Law-Orthodoxy. Tho' the Great Sr. *Matthew Hale* in his Instructive Preface to the Publication of Chief Justice *Henry Rolle's* General Abridgment of the Law, (in fol. 2 Vol. Lond. 1668.) Advise's a Law-Student, to spend 2 or 3 Year in Reading first of all *Littleton's Tenures*, *J. Perkins*, Doctor and Student, *Fitzherbert's Natura Brevium*, *Coke's Institutes* and his Reports. Whereunto *Ld. C. J. Hale* subjoin's, that Serjeant *Rolle* had some useful Law-Materials from our *English* Historian *Speed* as well as from the *Scotch* Civilian *Skene*. However, in this new Law-Method,

The next Stage of our Law-Student is for 2 Years, to Read, Study and Ruminat upon Sr. *Edw. Coke's* Works, Life, Death and Maxims. viz. the *Ld. Coke's* first Part of the Institutes of the Law of *England*, first Edit. in 1623. by way of Commentaries upon *Littleton's Tenures*, in fol. with his compleat Copyholder, in *English*, tenth Edit. in 1703. price. 1 l. 8 s.

1 l. 8 s. but the 7th Edition was sold at 18 s. without the Copyholder: The 2d Part of his Institutes in fol. *English*, first Edit. in 1642. the sixth Edition in 1681. is still but 18 s. and his Copyholder it self, even with the Supplement, in 8vo, is but 2 s. 6 d. as formerly. His Treatise of Bail and Main-prise, is still but 1 s. but *Coke's* Commentary upon Magna Charta, the Pleas of the Crown, and the Jurisdiction of Courts, were order'd upon Debate in the House of Commons, 12. May 1641. to be printed by his Son and Heir, *Clem. Coke*: which was done accordingly; whereof the Pleas of the Crown make up the 3d Part of the Institutes in fol. 1680. 6th Edition, pr. 12 s. formerly 8 s. first Edit. in 1644. and the Jurisdiction of Courts, make's up his 4th Part of Institutes, in fol. 6th Edit. price 16 s. formerly 10 s. first Edition 1648. Magna Charta, with other Ancient and Modern Statutes in Latin (in 8. pr. 2 s. 6 d.) translated into *English*, by *Edward Coke Esq;*, in 8vo pr. 1 s. Lord *Coke's* Readings concerning *Fines*, in 4to pr. 1 s. *Coke's* Declarations and Pleadings in *English*, in fol. pr. 4 s. formerly 6 s. A Table to the 4 Parts of *Sr. Edw. Coke's* Institutes of the Laws of *England* and Commentary on *Littleton*, in 4 Parts or Folio's, pr. 1 l. 2 s. 6 d. An exact Abridgment of the *Ld. Coke's* Commentaries upon *Littleton*: being a brief Explanation of the Grounds of the Law, by *Sr. Humphrey Davenport*, in 8vo pr. 1 s. 6 d. An Abridgment of the first Part of my Lord *Coke's* Institutes, with Additions, and a large Analytical Index of the most General Heads, in 12. pr. 5 s. A Table to the Abridgment of the first Part of the Lord *Coke's* Institutes, with some Additions, in 12. 1714. price 1 s.

Fasciculus Florum, or a Bundle of Flowers, gather'd out of the several Books of *Sr. Edw. Coke*, by *Th. Ash* of Gray's Inn, in 8. *English* and *Latin*, pr. 1 s. 6 d. *Sr. Edw. Coke's* Book of Entries, in *Latin*, fol. pr. 1 l. 10 s. formerly 3 l. 5 s. publish'd first at *London* 1614. the very same Year that the tenth Part of his Reports was printed. But his first and 2d Part of Reports were printed in 1604. and the Year following came out the 5th Part of his Reports, and the next Year after that came forth the

Jesuit *Parson's* wicked and treasonable pretended Answer to it: and 20 Years after that came out a malicious ignorant Answer to the first Part of his Reports, at *Lond.* 1626. in 4.

Coke's Reports in 11 Parts, first Editions, in 1602. 1615. &c. with a Table to the Whole, in fol. *French*, the last Edit. pr. 5 l. 7 s. 6 d. and upon Royal Paper, 6 l. 9 s. the former Editions were sold for 3 l. the *English* Translation was always but 30 s. in fol. The 12th and 13th Parts of *Coke's* Reports in fol. *English*, pr. 8 s. the late and last Law-Catalogue Mistakes in Saying, these 2 last Parts of *Coke's* Reports were after his Death printed in King *James's* Reign; whereas he did not dye till the next Reign, wherein they were printed, with an Exposition of *Payning's* Law, &c. The necessary Use and Fruit of the Pleadings contain'd in the first Book of the Report of *Sr. Ed. Coke*, by *Rich. Cary*, in *French*, 8. Edit. 1601. pr. 1 s. 6 d.

A general Table to the eleven Books of the Reports of *Sr. Edw. Coke*, by *Th. Ash* in 8vo, *French*, pr. 1 s. 6 d. and translated into *English*, in fol. pr. 4 s. A perfect Abridgment of the 11 Books of Reports of *Sr. Edw. Coke*, by *Sr. J. Davies*, in 12. pr. 1 s. 6 d. An exact Abridgment of the 11 Books of Reports of *Sr. Edw. Coke*, by *Sr. Th. Ireland*, in 8vo, pr. 1 s. 6 d. and by *Trotman*, pr. 4 s. An Abridgment of the two last Volumes of Reports of *Sr. Edw. Coke*, entituled the 12th and 13th Parts, by *Th. Manley* of the Middle Temple, in 8. pr. 1 s. 6 d.

England's Independency upon the Papal Power, Historically and Judicially stated by *Sr. Sdw. Coke* and *Sr. J. Davies*, in 2 Reports, selected from their great Volumes with a Preface by *Sr. John Pettus*, in 4to, *Lond.* 1674.

Now as to the Life and Death of *Sr. Edw. Coke*, nothing can be more instructive both as to Law and Gospel, if consider'd as to Human Frailties, and Misfortunes that the greatest of Men are subject to, tho' ever so fenc'd with Integrity, Learning and Abilities of all kind. Hence will naturally arise both Legal and Divine Morals and Maxims.

Sr. Edward Coke, was born at *Mileham* in *Norfolk*, of *Robert Coke Esq;* and *Winifrid Knightly*, his Wife. He was bred at *Norwich* School and *Trinity College* in *Cambridge*, where he stayd 4 Years: from thence he came

came to Clifford's Inn, where he was for some time a Clerk, as I take it, to some able Attorney; which doubtless is a good Method to train up a young Gentleman to the solid Study of the Law; for by that means, he will be as it were naturaliz'd to, not only the Practical Knowledge of all first Processes and Commencements of the Diversity of Law-Suits, but also to the familiar Reading and Entering up of Records; which thereby will become more familiar and easy than to Gentlemen that were never bred to Clerkship, who for that Reason scarce ever arrive to any great usefull Knowledge of Entrees and Precedents, which make up the able Draftsman and solid Pleader. Besides, those Chancery-Inns were doubtless design'd for young Law-Students to passe thorough in some Degree of Clerkship or other, in their Road (before they arrive) to one of the four greater Inns of Court; which for some such Law-Novitship-Commencement and Improvement, do send sometimes one of their utter Barristers to hold forth a Law-Reading or 2, now and then: Tho' 'tis almost now diffus'd, as well as their own respective Autumn and Lent-Readers are, quite laid a side, unless the Title and some little Honour or Advantage from thence accruing be still kept up in privat amongst the Benchers themselves. However, 'tis certain, the Time spent in any of those Chancery-Inns is still allow'd to any that thence transfer themselves to the more Studious Theory of the Law in one of those 4 Greater Inns of Court upon a Barr-Call: and 'tis still more certain, that the Attorneys themselves or their Clerks or Sons, who so translate themselves to be Barristers, are generally so fitted out with Court-Assurance and the smooth Aire of gathering Buissness and Wealth, and Honour, that they seldom fail of being thought ingenious Pleaders, and then to be advanc'd proportionably from Bar to Bench and thence to Quality, as it has often happen'd since some of our several Revolutions: In like Manner, Sr. Th. More Chancellor in K. Henry 8th's Reign, is said to have taken his first Law-Steps amongst the Clerks of New Inn, before he sett'd himself at Lincoln's

Inn to the the thorough Study of the Theory of the Law. We have formerly had likewise as stately a Serjeant at Law as ever wore a Coif, who had been a *Præco* in a Court in one or more of the County Palatines, where afterwards being at the Bar he made nevertheless Figure, nor less Noise, nor gather'd the less Fees: But 'tis observable that the Coif abated something of his Stentorian Voice, but not of his profound Haughtyness: His Readiness in common Rules of Court was far more remarkable than in any Learned Readings or Pleadings. He is sayd to have bid fair for the Bench. And the late Serjeant *Curthrew* and *H - - ll* were certainly the better Draftsmen for having been Practitioners in an inferior Rank, neither did the Coif sit the worse upon their Heads. For the Lawyers don't mind what People have been, but what they are for Parts and Wealth or Interest. Tho' in 1. Jac. (26. Jan.) upon Signification of the King's Commendement by the Judges, it was order'd at a *Pension* held then in Grays-Inn by the Benchers, that none should be admitted therein, unless his Name were first deliver'd to the *Pension*, to consider whether he was a Gentleman of *Descent*, and then to be admitted, if he were fit, or, untill his Majesties Pleasure were further known. *Ex Registr. Hospicii Grays Inn*, Vol. 1. folio 260. b.

So that Sr. *Edw. Coke's* Preparing himself by the Practice of the Law at Clifford's Inn for the learned Theory thereof in the Inner Temple, was no degrading but a regular prudent Method of running the next Law-Stage over with more Applause: for soon after, one of the first Occasions of his Rise, was given him not more luckily in the *Coke's* Case of the Temple, than he stated it exactly, to the Admiration of the whole House that was puzzel'd with it, and pleaded it Learnedly, to the Approbation of the whole Bench, who ever after took particular Notice of him: so that at the End of six Years (exceeding early in that strict Age) he was call'd to the Bar, and presently after for three Years chosen Reader in Lyon's Inn: Where his Learned Lecture so spread forth his Fame, that Crowds of Clients su'd to him for his Coun-

Counsel; which made his own Suit the sooner granted, when tendering his Affections in order to Marriage, unto *Brigit* Daughter and Coheir of *John Paston* Esq; whose Portion moderately estimated, *vis & modis* amounted unto 30 thousand Pounds, her Vertues not falling under Valuation; and she enrich'd her Husband with ten Children, which might well seem elder Brethren or Coheirs, by the large Portions and Possessions left unto them.

Then began Preferment to press upon him: The City of *Norwich* choosing him Recorder, and the Church of *Norwich* having had him Gratis for it's Defender even undesir'd and unfee'd, and the County of *Norfolk* choosing him their Knight for Parliament, the Queen her Speaker therein, as also her Solicitor and Attorney General in 1582. 1592. the 16th of June, and 1594. the 10th of April, following *Sr. Th. Egerton*, close by the Heels of Preferment, whereby at last he was fatally bruise'd. He was soon after *K. James's* Arrival to the Throne, Knighted, and made *Ld. Ch. Just.* of the Common Pleas, June 28. 1606. and 25. Octob. 1613. he was advanc'd to be *Lord Ch. Justice* of the King's Bench. Not long after, began the Wheel of Fortune to turn backwards and cross-ways, and he had been overturn'd had he been endow'd with less Law or less Wealth, which boy'd him still upon the Wheel, tho' sufficiently tossed. At the same Time, his great Spirit could not brook any one above him or even equal to him in Parts or Place, tho' in an indirect Line; for, *Chancellor Egerton's* Sage Conduct in the extraordinary Management of the Law of Equity being like to be as great a Standard in that Legal Tribunal, as ever he could expect to be at Common Law, he was resolv'd to take the first Opportunity to jostle Jurisdictions, in Order (or rather Disorder) to the surer Settlement of the Preference of Credit and Repute. And an unhappy Occasion soon presented it self for that unnecessary as well as unwarrantable Purpose *viz* A Cause before him in the Kings Bench being lost, for want

of an Evidence's Appearing, who was prevail'd with to stay away (notwithstanding his being serv'd with a *Subpœna*) under Pretence of being in such a State of Health, that at the same very Instant of the Tryal, if he continu'd long in it, he could never survive a Quarter of an Hour; that is, in a Tavern hard by, under the Tuition of the Menagers, he was order'd to put a Gallon of Sack to his Mouth and drink, whilst one of the Menagers was to go into Court, and swear that he left the Witness in such a Condition, that if he continu'd therein but one Quarter of an Hour, he could never live but was a dead Man, or to that Effect: whereupon the Court went on in the Tryal of the Cause, which was at last lost for want of the foremention'd and fore-manag'd Witness: but the Party so aggriev'd coming to the Knowledge of the say'd tricking of his Witness, he refus'd to pay Costs and Charges, or to stand to the Verdict, but stood out to an Execution, and then filing a Bill, mov'd the Court of Chancery for an Injunction, which *Chancellor Egerton* soon granted till the Defendant should answer the Bill, according to the common Course of the Court, which at last did fully relieve the Complainant in the Premises: but the *Lord C. Just. Coke* being appriz'd thereof, did pretend he would charge the Chancellor with a *Premunire* in the Star-Chamber or Parliament for having committed an *anti-prerogative Mal-faisance in ipso Officio*, no Writ of Execution at Common Law, executed, being lyable to any Injunction whatsoever, and for that the Complainant might have had his Remedy at Common Law by moving the Court in Arrest of Judgment or for a new Tryal: However, the Chancellor brought the Cause himself before the King and Council, and so justify'd his Conduct, that the King appointed, June the 3d 1616. the ArchBp. of *Canterbury* and other Commissioners to enquire into the Cause and Persons that threaten'd the Lord Chancellor with a *Præmunire*. *The Continuation of this in the next Paper.*

The Lawyer's Post,

Num. 5.

O R

An Expres to the Practicioners and Clients as well
as to the Students and Professors of Law, Equity and good Conscience,
both in and out of the Third University of *England*.

*By the way of Doctor and Student, or Master and Disciple, or Apprentice
en la Ley.*

From *Athenæ Britannicæ*, Vol. 1. p. 15, 20, 58, 68, 110, 116, 215. à pag. 304. to 346.
Vol. 2. pag. 38, 44, 47, 53, 61. à p. 1. to 25. and à p. 89. to 135. Vol. 3. &c.

For the Diversion of some and Instruction of others.

WHAT'S the Sequel of the Law-
Student's Observations upon
the Writings, Life, Death and
Maxims of *Sr. Edw. Coke*?

D. The same Fatal Year to *Sr. Edward* was,
1616. wherein the more fatal Cause of *Rob.
Car*, Erl of *Somerset* and his Countess *Frances*,
was try'd for the Poisoning of *Sr. Tho.
Overbury*, then Prisoner in the Tower for
refusing to go upon an Embassy to *Moscow*,
or some of the Northern Parts: *Sr. Edward*
took 300 Examinations in that Cause, in
few Month's time, to the 24th May 1616.
when the Earl and Countess of *Somerset*
were try'd and condemn'd as Accessaries be-
fore the Fact, and *Sr. Gervæ's Elways* with
Weston, *Franklin* and *Mrs. Turner*, had been
condemn'd and executed, in Septemb. 1615.
but when *Sr. Tho. Manson* (one of the Countesse
of *Somerset's* Agents) came on to his Tryal, *Sr.
Ed. Coke* could not forbear making some high
Points of Admiration or Interjections and Re-
flexion towards the Court even in the open
Court from the Bench. Whereupon *Manson*
with the said Earl and Countess were par-
don'd, but the two latter dy'd miserably in
a private forelorn'd Condition, near the
Tower. The Countess had been suppos'd
marry'd at the same Time to the Earl of *Es-
sex*; she was the Earl of *Suffolk's* Daughter.

Sometime after, in Octob. 3. 1616. *Sr. Ed-
ward* was call'd before the Chancellor, and
then dismiss'd from his Office of L. C. J. and
banish'd Westminster-Hall, and order'd to
answer some Matters in his Reports: Ac-
cordingly a Commission was issu'd out to
Sr. Henry Montague, Kinght, and others, for
the Reviewing and Reforming *Coke's* Re-
ports. *T. R. apud Westmon.* 24. Novemb. Pat.
14. *Jacob.* p. 6. The Articles alledg'd against
him were rather Incivilities or Imperfecti-
ons, than Illegalities or Immoralities: such
as that he delighted to speake more than
hear, (2) that he would run out of his Pro-
fession, (3) that he convers'd with Books ra-
ther than Men, and only with such Men
that he spake to as his Scholars rather than
treated as Friends, (4) that he obtruded tho-
se Things as Novelties, that were stale: (5)
that he would jest on Men in Place, and in-
sult on Men in Misery: (6) that he made
the Law lean too much to his Opinion, (7)
that his Tenants in *Norfolk* were hardly us'd,
and that though he had 10000 Pound per
Annum, he reliev'd not the Poor: (8) that
in his last Proceedings against *Somerset*, he
was too open and dilatory, giving too much
Advantage, and breaking out to some un-
advise'd Expressions: (9) that he stood out
against Power, (10) that he obtruded false
In-

Informations or Confessions in the Earl of Suffolk's Case, (11) that his Coachman drive bare-headed: (12) that he conceal'd a Statute-Recognizance of 12000 Pounds due to the King from the late Ld. Chancellor *Hatton*: (13) that he reflected in open Court, as if the King's Measures would at last overthrow the Law of *England*: (14) that in the House of Commons he should say, that the King's Prerogative was an overgrown Monster, (15) that he us'd uncivil and indiscreet Carriage before his Majesty (being assisted and attended with his Privy Council and Judges) in the Case of Commendam's: (16) that he us'd too many Digressions from the Point in Hand, in Derision or Mimicry of the King's Method or Custom.

But *Sr. Edw. Coke* own'd none of those Charges but the last but one, which he beg'd Pardon for, upon his Knees before the King in Council-Chamber; and then was succeeded in his Chief Justiceship by *Sr. Henry Mountague*, (Grandson to the old *Sr. Edward Mountague*, the first Protestant Convert as Lord Ch. Justice of *England*;) who in 1620. Decemb. 3. was made Ld. Treasurer; which Place 'twas thought was the Point and Cause of *Sr. Edward's* disappointed Ambition; having a little before his Dismission fram'd some Projects for the Revenue. Yet the next Year, 1617. he was call'd again to the Privy Council; and on the 8. Novemb. following the Lady *Coke* his Wife, invite's the King, Duke of *Buckingham*, and other Courtiers, to a splendid Entertainment, pretending that *Sr. Edward*, her Husband knew nothing of it, and was not present, or invited to it. About the same Time, the Sage Chancellor *Egerton* desir'd to lay down his Office of Equity, which was with much Regret granted him, and dy'd soon after. That wise Origin of the Earls of *Bridgewater*, publish'd in his Life-time, an excellent Speech made in the Exchequer-Chamber, touching the Post-Nati, or those that are born after the Union of the Crown of *Scotland* to that of *England*, in 4to, 1609. pr. 1 s. 6 d. and left in MS., his Lordships Observations on the Ld. *Coke's* Reports, according to K. *James's* Order to that Purpose above mention'd; which discreet Ob-

servations have been lately printed in fol. 1714. pr. 1 s. 6 d. and Observations concerning the Office of the Ld. Chancellor. 8vo, pr. 1 s. May 5. 1604. his eldest Son *Cl. Coke*, was committed to the Tower for affronting *Morison*, and in 1621. Decemb. 8. *Rob. Cotton* and *Th. Wilson*, were sent to ransack *Coke's* Papers, after his Commitment to the Tower with *Mr. Selden* and others, for some Freedom of Speech in the House of Commons. In 1622. *Sr. Edw. Coke* is charg'd with the foremention'd 10th Charge; after he had been dismiss'd the Privy Council, the Year before, with this unlikely Censure of the King, viz. that he was the fittest Instrument for a Tyrant, that ever was in *England*. Which Taxation do's not agree with the foremention'd 14th Charge: no more than the other Articles of his Accusations, with the following constant Maxims of his whole Life and Conduct. viz. In his Pleadings, Discourse and Judgments he declin'd all Circumlocutions, usually saying, *The Matter lye's in a little Room*. In all Places, Callings and Jurisdictions, he commended Modesty and Sobriety within their Boundaries, saying, *If a River swells beyond the Banks, it looseth it's own Channel*. If any adverse Party cross'd him, he would patiently reply, *If another punisheth me, I will not punish my self*. In the highest Term of Buissness, he made Vacation to himself at his Table; and would never be perswaded privately to retreat or discourse over again what he had publicly adjudg'd; professing, *he was a Judge in a Court, but not in a Chamber*. He was wont to say, *No wise Man would do that in Prosperity, whereof he should repent in Adversity*.

Sr. Edw. Coke's Motto was, *Prudens qui Patiens*: And his Practice was accordingly, especially after he fell into the Dis-Favour of K. *James I.* when he saw himself reduc'd to *frui suo Infortunio*, he improv'd his Misfortune to his Advantage. Accordingly he truly triumph'd in his own Innocency, that he had done nothing illegally; calling to mind the Legend which he gave in his Rings when made Sergeant, *Lex est tutissima Cassis*, The Law is the safest Helmet. And then he had Leisure to peruse what formerly he had written, even 30 Books with his own Hand; most

most pleasing himself with a Manual, which he call'd, *Vade Mecum*; from whence at one View he could take a Prospect of his Life past, having noted therein most Remarkables.

Five sorts of People *Sr. Edw. Coke* us'd to fore-design to Misery and Poverty; viz. Chymists, Monopolizers, Concealers, Promoters, and rhyming Poëts. He us'd to give God solemn Thanks for three things, viz. That he never gave his Body to Physick, nor his Heart to Cruelty, nor his Hand to Corruption. So likewise in three things he did much applaud his own Success by God's special Favour and Blessing (1) in his fair Fortune with his Wife, (2) in his lucky Study of the Law, (3) and in his free coming by all his Offices, *nec prece nec pretio*, neither Begging nor Bribing for Preferment. His Parts were admirable: He had a deep Judgment, faithfull Memory, active Fancy, and the Jewel of his Mind was put into a fair Case, a beautifull Body, with a comely Countenance: A Case, which he kept neat and clean, delighting in good Cloaths, well worn, and being wont to say, That the outward Neatness of our Bodies, might be a Monitor of Purity to our Souls. Thus being on a good Bottom, left him by his Father and Nature, and marrying a Wife of extraordinary Wealth, as well as having from the very first, great and gainfull Practice, afterwards many and profitable Offices, being provident to choose good Penny-worths in Purchases, leading a thrifty Life, and living to a great Age in plentiful Times, no wonder if he advanc'd to a fair Estate, so that all his Sons might seem elder Brethren, by the large Possessions left unto them.

Tho' he seem'd latterly to favour the Dissenters, by scrupuling to take the Sheriff's Oath of prosecuting *Lollards* or *Puritans*, in 1628. and by his Animosities against the Court-Measures, yet he had constantly Prayers said in his own House, and charitably reliev'd the Poor with his constant Almes. The Foundation of *Sutton's Hospital* (the *Charter-House* when indeed but a Foundation) had been ruin'd before it was rais'd, and crush'd by some Courtiers in the Hatching thereof; had not his great Care prevented the same,

as well as the Lands belonging to the Church of *Norwich*, which being begg'd by a Peer, *Sr. Edward* desir'd him to desist, otherwise he would put on his Gown and Cap once more (for all his being outed of his Judge's Place and under a Cloud at Court,) and come into *Westm. Hall* again, and plead there in any Court in Justification of what he had done in his former Recovering and Settling those Lands upon the Church of *Norwich*. Notwithstanding all this, ArchBp. *Laud* and K. *Charles* 1st were so fully perswaded, that *Sr. Edw. Coke* was in Effect, if not Affection, against their Measures taken at that Time in Church and State, that, as soon as they understood that *Sr. Ed. Coke* was on his Death-Bed, they sent *Sr. Francis Windebank* (*Laud's* Creature) to seize upon all *Sr. Edward's* Papers, not excepting his last Will and Testament, which they did, whilst he was actually a dying, or when his Corps was scarce cold, he dying on the 1 of Septemb. 1634. at *Stoke-Poges* in *Buckinghamshire*, tho' the ingenious *David Lloyd*, Minister of the *Charter-house*, in his *Observations on State-Favourits*, p. 597. say's *Sr. Edw. Coke* dy'd on Wednesday the 3d of September, aged 83. whose last Words were these, *Thy Kingdom come, thy Will be done*. Not long after, Mr. *Clem. Coke*, his eldest Son mov'd the House of Commons, that the Books and Papers taken by Secretary *Windebank* (*Laud's* Friend) under Pretence of Searching, upon his Father *Coke's* Death-Bed, for seditious or dangerous Papers, should be restor'd to his Father's Heir at Law; whereupon the Parliament address'd K. *Char. I.* to the same Effect, and 'twas granted: but *Sr. Edward's* last Will and Testament, that was taken away with others of his Books and MSS. was pretended to have been lost, and never foun'd or at least never restor'd, to the great Prejudice of his younger Children, as the late Compiler of the compleat History of *England* Vol. 3. p. 71. assure's us.

As to *Sr. Edw. Coke's* Charity, tho' perchance he was not so much for the venting of it in Retail, as generally the Papists seem to be for the vain Shew thereof, yet 'tis certain, he was very zealous and bountifull for the more solid and lasting kind of Charity in
Gross

Gross and Wholesale; Witness that Free-School at *Thetford*, which was supported in it's being by his Assistance; as well as the School at *Godrick* in *Norfolk*, which he founded on his own Cost and Charge. 'Tis true, *Will. Sanderſon* in his History of *K. Charles I.* printed in 1658. will have it that *Mr. Clem Coke*, sided with *Dr. Turner* and other Malecontents in the House of Commons, in the Year 1626. and *Arthur Wilson* in his History of the same ambiguous Times, seem's to be of the same Opinion as to *Sr. Edward* himself (*Idem ibid* p. 191.) yet the Gentlemen of 41. seem'd not to be over-satisfy'd with the last Parts of his Institutes, tho' publish'd by their Order, as was before observ'd: for, old *Prynne* soon after, publish'd *Brief Animadversions* or Amendments of, and additional explanatory Records to, the fourth Part of the Institutes of the Laws of *England* concerning the Jurisdiction of Courts; compil'd by the late famous Lawyer *Sr. Edward Coke*, Knight, in his Life-time, but publish'd and reprinted with some Disadvantage since his Death: wherein the Misquotations, Mistakes of Records, Antiquities cited in them are rectify'd, some doubtfull Passages explain'd, many defective Omissions of usefull Records supply'd by *Will. Prynne Esq;*, in fol. pr. 7 s. formerly 12 s. Much after the same Manner as the foremention'd Chancellor *Egerton* had dealt with his Reports. But since the Prophet himself, living in an incredulous Age, found Cause to complain, *Who hath believ'd our Report?* It need not seem strange that those amphibious Times have afforded some who had a mind to shake the Authenticalness of the Reports of any Earthly Judge, as is well observ'd by the foremention'd Ingenious *D. Lloyd*, *ubi supra*. Lastly, 'tis to be observ'd, that one of the first Law-Tracts publish'd by *Sr. Edw. Coke* in his Life-time, was his Speech and Charge at the Assise at *Norwich*, Edit. *Lond.* 1607. qu. The very next Year after he was made Ch. Justice of the Common Pleas.

It must not be forgot, that upon *Edward Coke Esq;*, being made *Q. Elizabeth's* Attor-

ney General, *Dr. Whitgift*, (afterwards Archbishop of *Canterbury*) having been his *quondam* Tutor in the University of *Cambridge*, sent his Pupil *Coke*, a fair N. Testament with this Message; *He had long enough study'd Common Law, now let him study the Law of God.* Neither did our great English *Trebonianus*, *Sr. Ed. Coke* neglect his former good Tutor, *Dr. Whitgift's* Salutary Advice: for, I looke upon *Sr. Edw. Coke* and *Sr. Henry Spelman*, with *Sr. John Davies*, *Sr. Henry Yelverton*, *Sr. Sim. D'Ewer*, *John Selden*, *Edw. Leigh*, *Will. Prynne*, *Will. Sheppard*, *Sr. Matt. Hale*, *Sr. Will. Dugdale*, *Sr. James Ware*, *Sr. George Makenzie*, Serjeant *John Hook*, *Sr. Peter King*, *L. C. J. Parker*, and *Edmund Bohun*, to have been respectively, not only some of our greatest Lawyers, but also not inferior in Divinity to any that ever *England* bore, *consideratis considerandis & mutatis mutandis*.

One of the first Legal Maxims, that a Law-Student ought to learn from *Sr. Edw. Coke*, is that Apophthegm of his, which he spoke to *Sr. Hen. Savile*, when he came to him, then playing at Bowles (concerning Archbishop *Abbots* Casual Shutting a Man in Canonical Hunting in the *Ld. Zeuch's* Park near *Hertford*) acquainting him at first, that he had a Case to propose to him; *Sr. Edw. Coke* answer'd him: If it be a Case in Common Law, I am unworthy to be a Judge, if I cannot presently satisfy you; but if it be a Point of Statute-Law, I am unworthy to be a Judge, if I should undertake to satisfy you without consulting my Books. The next Axiomatical Principle to be imbib'd, is also his own standing Rule and constant Basis, set down in his Commentaries upon *Littleton*, Sect. 135. viz. Since *Littleton* wrote, the Book of Common Prayer is alter'd, yet the Tenure in *Frankalmoigne* remaineth; and such Prayers and Divine Service shall be sayd and celebrated as now is authoriz'd: for the Change is by General Consent of Parliament, whereunto every Man is Party. *The Continuation of this in the next Paper.*

The Lawyer's Post, Num. 6.

O R

An Express to the Practitioners and Clients as well as to the Students and Professors of Law, Equity and good Conscience, both in and out of the Third University of England.

By the way of Doctor and Student, or Master and Disciple, or Apprentice en la Ley.

From *Athenæ Britannicæ*, Vol. 1. p. 15, 20, 58, 68, 110, 116, 215. à pag. 304. to 346. Vol. 2. pag. 38, 44, 47, 53, 61. à p. 1. to 25. and à p. 89. to 135. Vol. 3. &c.

For the Diversion of some and Instruction of others.

M.  HAT'S the next Set of Sr. Edw. Coke's Antecessory Maxime?

D. One of the first preliminary Axioms to be learn't from the Ld. Coke, is to understand what a Maxim is: 'Tis, says that Law-Oracle, in the first of his Institutes, Ch. 1. S. 3.) so call'd, *quia maxima est ejus Dignitas & certissima Autoritas; atque quod maxime omnibus probetur*: Or, a certain known Principle and Rule (to square one's Sentiments or Actions by,) express'd in one Sentence, or disjunctive Proposition: As when the same great Lord Coke say's, *ibid.* Sect. 412. that Succession of Bodies Politick or Corporate is in the *Post*, and the Heir of the Natural Man is in the *Per*. Or, as when he approves of that Saying of Bracton's, *Ibid.* Sect. 21. *Æquitas est perfecta quædam ratio, quæ fuit scriptum interpretatur & emendat*. Another of such of his Law-Maxims, is *ibid.* Sect. 136. *Oportet quod certa res deducatur in Judicium*. Such another Didactick Maxim is when (*ibid.* Sect. 281.) he define's Logick, to be what teache's a Man, not only to use a just Argument, to conclude the Matter in Question, but also to discern between Truth and Falshood, and to use a good Method in his Study; and to speake probably to any Legal Question.

A Law-Student is likewise to learne be-

times at his very first Onset upon Law-Studies from the Ld. Coke, three or four other sorts of Law-Maxims: *viz.*

The kind of Maxims, or Grounds, call'd *Cumulative*, comprehending several *Copulative Propositions*, belonging collectively to the same Heads, as when Sr. Edw. Coke in the forecited Section pose's his Axiomatical Observation, that Judge Littleton's Proofs and Arguments drawn from the Common Law, are first, from the Maxims, Rules, Intendment and Reason of the Common Law: 2. *ab autoritate & pronunciatis*, from Authority and Decrees or Judgments: 3, *à Rescriptis valet Argumentum*: 4, from the Form of good Pleading: 5, from the right Entry of Judgments: 6, *à Præcedentibus approbatis & usu*: 7, *à non usu*: 8, *ab artificialibus argumentis consequentibus & conclusionibus*: 9, *à communi opinione Jurisprudentium*: 10, *ab inconvenienti*: 11, *à divisione vel ab enumeratione partium*: 12, *à majore ad minus & à minore ad majus, à simili, à pari*: 13, *ab impossibili*: 14, *à fine*: 15, *ab utili vel inutili*: 16, *ex absurdo*: 17, *à Naturâ & ordine Naturæ*: 18, *ab ordine Religionis*: 19, *à communi præsumptione*: 20, *à lectionibus Jurisprudentium*. The t'other kind of Maxims is call'd *Distributive*, or *Argumentum à Divisione*, as my Lord Coke call's it *ibid.* as when he determine's, *ut supra*, Sect. 3. That, there be di-

vers

vers Laws in England: First, *Lex Coronæ*: 2, *Lex & Consuetudo Parliamenti*: 3, *Lex Naturæ*: 4, *Lex communis Angliæ*: 5, Statute Law: 6, *Consuetudines*: 7, *Jus Belli*; in *Republica maxime conservanda sunt Jura belli*: 8, Ecclesiastical or Canon Law, in Courts in certain Cases: 9, Civil Law in certain Cases, not only in Courts Ecclesiastical, but also in the Courts of the Constable and Marshall, and of the Admiralty: 10, *Lex Forestæ*: 11, the Law of Marque or Reprisal: 12, *Lex Mercatoria*: 13, the Laws and Customs of the Isles of *Jersey*, *Guernsey* and *Man*: 14, the Law and Privilege of the Stanneries: 15, the Laws of the East, West and Middle Marches, which are now abrogated with several others, tho' the Terms still remain for the explanatory Advantage of the like or substituted Uses.

In short, the same inexhaustable Fountain of our Law, set's it down in Sect. 96. as an experimental Maxim for all Law-Students, that the Knowledge of the Law is like a deep Well, out of which each Man draweth according to the Strength of his own Understanding: And as the Bucket in the Depth is easily drawn to the upper most Part of the Water (for, *nullum elementum in suo proprio loco est grave*,) but if you take it from the Water, it cannot be drawn up but with great Difficulty: For albeit the Beginnings of this Study seem difficult, yet when the Professor of the Law can dive into the Depth, it is delightful, easie and without any heavy Burthen, so long as he keep himself in his own proper Element. *Præpostera lectio & præpropæra praxis*, are Enemies to Learning. *Idem ibid.* fol. 70. b. Vide *Cokes Comment.* upon *Littleton*, of the first Edit. in 1629. See also Sr. *Humphry Davenports Abridgment &c.* *Le Cas du Duché du Cornuaille*, by Sr. *Ed. Coke*. What was Law in former Times is still Law, unless it be repeal'd or balanc'd by equivalent Judgments or Authorities; as when the *Ld. Coke*, P. 3. Instit. 72. 73. oppos'd Judge *Dalyson's* Authority to that of the Popish Judge *Stamford*.

Here our diligent and studious Law-Student is to interfert, (for the better Settling and Inbibing of the Premises as well as for the better Comprehension and Digestion of his own and other Collections occasional-

ly to be read hereafter) a serious Contemplative Reading of these following Law-Writings: viz. Institutions, or principal Grounds of the Laws and Statutes of England, corrected and amended, in 8vo, pr. 1 s. whereof the first Edition was in 1557. by *Rich. Tothill*, who printed also *Glanvill* at the same Time. A Treatise of the Principal Grounds and Maxims of the Laws of this Nation, by *W. Noy* of *Lincoln's Inn*, Esq; in 8vo, pr. 1 s. The compleat Lawyer, by *Will. Noy*, in 8vo, p. 1 s. The Principles of the Law reduc'd to Practice, by *Will. Philips*, in 12. pr. 1 s. Maxims of Reason; or, the Reason of the Common Law of England, by *Edm. Wingate*, in fol. pr. 8 s. The Grounds of the Laws of England, by *Mr. Hawks* of the *Middle-Temple*, 2d Edition 8vo, pr. 3 s. Maxims and Rules of Pleading, by *Sr. Rob. Heath*, in 8. pr. 4 s. The Elements of the Common Law of England, by *Sr. Francis Bacon*, in 4to, pr. 3 s. The Exact Lawgiver, in 8vo, pr. 1 s. 6. d. The Law-French-Dictionary, and the Law-Latin-Dictionary, by *Francis Miege*, in 8vo, pr. 6 s.

M. Whose or what Law-Writings be next in Authority or Value to those of *Sr. Edward Coke*?

D. Doubtless, the Law-Abridgment collected by *Olivers's* Ch. Justice, *Hen. Rolle*, and publish'd by *Sr. Matt. Hale*, in 1668. (in fol. French, pr. 2 l. 10 s. now 2 l. 5 s.) and lately translated and improv'd by *Kneightley Danvers*, sometime Recorder of *Northampton*, and of the *Inner-Temple* Esq; in 2 Vol. fol. in English, entitl'd A General Abridgment of the Common Law, Alphabetically digested; pr. 2 l. 10 s. but he ha's not gone thorough with above half *Rolle's* Abridgment, and some apprehend he'll scarce go on with it, having deservedly caught thereby already the golden Fish of gainful Buifness. As *Mr. Rolle* was the first Protestant Lawyer, that ever essay'd at a new Abridgment of the Law, after the 3 Popish abridging Judges, *Statham*, *Fitzherbert* and *Brooke*, so there were two more laborious Anarchical Lawyers at the same Time with *Mr. Rolle*, who sympathiz'd with him not only in *Oliver's* usurping Government, but also in his more warrantable Endeavours of reforming the Law by

by new Abridgments of the Law, according to our Legal Reformation, viz. *Will. Hughes* and *Will. Sheppard*, both Gentlemen of Grays-Inn, and as zealous for the *Covenant and Engagement* of those unhappy Interstitium's and Juititium's of the Law, as ever *M. Rolle* could be, tho' he acted as the Chief Justice, of the Upper Bench, as they then call'd the King's Bench, whilst neither of the t'other could rise higher than to be *Oliver's* Serjeant, at their Republican Law. Accordingly *Sheppard* publish'd a Grand Abridgment of the Common and Statute-Law, Alphabetically digested under proper Heads and Titles, in 3 Vol. in 4to, pr. 35 s. at first, but now 20 s. As also an Epitome of all the Common and Statute-Laws of this Nation now in Force, by *Will. Sheppard*, in fol. pr. 20 s. now 14 s. Proposals for the Regulating the Law, by *Will. Sheppard*, in 8vo, pr. 1 s. The Grand Abridgment of the Law continu'd; or, a Collection of the Principal Cases and Points of the Common Law of *England*, contain'd in all the Reports extant, from the first of *Elizabeth*, to the Year 1663. by way of Common Pace, by *Will. Hughes*, in 3 Vol. in 4to, price formerly 3 l. now 18 s. An Abridgment of Acts and Ordinances made from the Year 1640, to the Year 1656, by *Will. Hughes*, in 4to, pr. 3 s. A Collection of several Acts of Parliament, publish'd in the Years 1648. 1649. 1650. and 1651. by *H. Scobel*, in fol. pr. 5 s. *Oliver's* Ordinances in fol. pr. 3 s.

'Tis dreadful Melancholy to consider as well as a sad Case of Humiliation, to report, that not only most and best of our Law-Collections as well as other Writings were first publish'd in that unfortunate Time of *Oliver's* Anarchy, but also our greatest and most valuable Law-Standards either favour'd, or stood for, that unhappy Republican *Covenant and Engagement*, as very considerable active Parts or Parties or Practitioners therein, (see in *Athen. Britan.* Vol. 1. p. 312. 313.) viz. *Henry Rolle*, *Will. Hughes*, *Will. Sheppard*, *John Selden*, *Sr. Matthew Hale*, *Serjeant Thorp*, *Will. Pryn*, *Edm. Wingate*, *Edw. Leigh*, *John Rushworth*, *Sr. Job. Maynard*, *Serjeant Wild & Twisden*, *Wadham Windam*, *H. St. John*, *Sr. Geoffrey Palmer*, *Sr. Orlando Bridgman*, *Jos. Keeble*,

John Hern, and other famous Lawyers. Of these, *Selden*, *Rolle*, *Rushworth* and *Wingate*, dy'd in their Engagement-Principles before the Restoration: *Hughes*, *Sheppard*, *Leigh*, *St. John*, *Keeble*, *Horn*, were Profelyted to and with the Restoration: *Hale*, *Bridgman*, *Palmer*, *Pryn*, *Wild*, *Maynard*, *Windham*, *Twisden*, *Sr. Tho. Hardress*, and others were such hearty Converts from that Anarchical *Covenant and Republican Engagement*, that they were respectively prefer'd to some of the highest Stations in the Law, as establish'd with the Episcopal Church of *England*, upon the Legal and rightful Principles of our Primitive Reformation. But how far *Sr. Edward Coke*, *Sr. Will. Jones* and *Sr. George Crook*, did seeme to favour those unfortunate ensuing Times, may further appear from the respective Historys of their fore-running Days. However, 'tis certain, the several Law-Collections and Writings, publish'd by and from those foremention'd Grandees and Zelots of our Legal Israel, are the Principal Standards of our Law-Constitution: And 'tis equally certain, that the universally involving Fate of those National Faillures and Misfortunes, do's equally make up the Apology of those great Law-Standards, and clear's up most of the personal Reflections that were ever cast upon them upon that fatal Account, as shall be made to appear in their respective Turns hereafter.

The same Apology or Excuse may serve for the generality of Divines and Physicians as well as Lawyers that swerv'd with the Anarchical Torrent of that dismal Inundation of unaccountable Popularity, precipitated into an universal Deluge of Extreams: Nevertheless, there were some brave Cavalier Lawyers of the first Size, who ventur'd to make an open Stand, tho' but as a Testimony rather than a Remedy for oppress'd Royalty: viz. *Sr. John Davies* (who rather excus'd than defended the Legality of Ship-Money or Tonnage, upon any Necessity that the executive Power could lye under) *Will. Noy*, *Judge David Jenkins*, *Sr. Edw. Littleton*, *Rich. Lane*, *Sr. Robert Heath*, and *Sr. Edward Hyde*, afterwards Chancellor and Earl of *Clarendon*; besides several others, who made more use of

of their Sword than their Pen, to that or any other legal Purpose. Tho' that Bishop (say's my Lord *Clarendon*, in Hist. p. 202. Vol. 1. in fol.) of *York*, with unprelatick, ignominious Arguments, acted his Part with more prodigious Boldness and Impiety (of a privat and publick Conscience) others of the same *Function* (for whose Learning and Sincerity, the King and the World had greater Reverence) did not what might have been expected from their *Calling* or their *Trust* &c. — *ibid.* pag. 73. *Burton*, *Pryn* and *Bastwick*, were of the three several Professions, which had the most Influence upon the People, a Divine, a common Lawyer, and a Doctor of Physick — each Profession with Anger and Indignation enough thought their Education and Degrees and Quality would have secur'd them from such infamous Judgments, and treasur'd up Wrath for the Time to come &c. as the same Lord *Clarendon* expresse's it, *ibid.* *ubi supra*. So that the Generality of all Professions more or less were forc'd to bend a Knee in some Measure or other to that Republican Baal.

But ever since, Lawyers were very cautious, how they sided with either Party of Whig or Tory, especially barefac'd in Print. Yet in and ever since K. Charles 2d's Reign, the Lord *Denzil Hollis*, *Nath. Bacon* of Cray's-Inne, Mr. *Nelthrop*, *Will. Pettyt* of the Inner-Temple, *Will. Atwood*, *Rob. Derham* of Grays-Inne, *Will. Hakewell* of Lincoln's-Inne, Sr. *Robert Atkins*, Sr. *Henry Pollexfen*, and Sr. *Peyton Ventriss*, with their Legal Writings and Conduct, made a vigorous and successfull Stand for and with the Constitution of the Liberty and Property of the Subject upon Legal Parliamentary Foundations. To these might be added Sr. *John Holt*, Lord *Sommers*, Lord *Cooper*, Lord *Parker*, Sr. *Peter King*, and other great Law-Patriots; but none of their Law-Writings being as yet publish'd, they seem to stand out of the present Case of a Law-Student. Of all the Tory-Lawyers that seem'd occasionally to swell up the Royal Prerogative, the hardy Civilian Dr. *John Cowel*, was the first that dur'd to publish any

Law-Heterodoxy of that despotick kind, quite forreign to our Legal Constitution: That Heterodox Book of his, with it's Apocriphal Doctrine, was presently Censur'd by Parliament, and order'd by King and Council, to be corrected; and was enlarg'd with Amendments, by *Thomas Manley* of the Middle-Temple Esq;, under the same Title of Dr. *Cowell's* Interpreter, in fol. pr. 9 s. See more of that Book in *Athenæ Britannicæ* Vol. 1. pag. 307. The next Attempt in Favour of an absolute Prerogative was publish'd without the Authors Name by a Physical Civilian, or rather a Law-Physician, even Dr. *Robert Brady*, a Professor of Physick forsooth, at Cambridge, with some Arbitrary Law-Helpers, in a Book entitl'd, A full and clear Answer to *Will. Pettyt* Esq;, and *Will. Atwood* — in 8vo pr. 6 s. and in Dr. *Brady's* Introduction to the old English History, in fol. 1684. and in his said History Edit. in fol. 1685. and in his pretended Answer to *Argumentum Anti-Normannicum*, in 8vo, 1682. This poor Law-interloping Attempt was all of a Piece with the unsustainable Cause (*dignum patellâ operculum*,) which still remain baffl'd and condemn'd upon Record, as appear's by the Learned Mr. *Pettyt's* *Miscellanea Parliamentaria*, in 8vo, pr. 2 s. 6 d. and his, *Ancient Right of the Commons of England* asserted, in 8vo, pr. 2 s. 6 d. and the Ingenious Mr. *Atwood's* *Jani Anglorum facies nova*, in 8vo, pr. 2 s. and his, *Jus Anglorum ab antiquo*, in 8vo, pr. 2 s. 6 d. But properly speaking, there's but one real Lawyer, that ever publish'd any thing in Print, in Favour of those unwarrantable Stretches of the Prerogative; viz. A short Account of the Authorities in Law, upon which Judgment was given in Sr. *Edw. Hales's* Case: written by Sr. *Edw. Herbert*, Chief Justice of the Common Pleas, in Vindication of himself, in K. *Jam.* 2d's Reign, in 4to, pr. 6 d. But that six-penny Law-ballad was soon expos'd and confuted by the same Learned Mr. *Atwood*, and our great Antiquary as well as Lawyer, Sr. *Rob. Atkins*, in his Enquiry into the Power of Dispensing with Penal Statutes, in fol. pr. 1 s. 6 d.

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O R

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For the Diversion of some and Instruction of others.

WHAT else was publish'd for our Constitution- Principles against Chief Justice Herbert's Tory-Stretches?

The same *Sr. Robert Atkins's Defence* of the late Lord *Ruffel's* Innocency, by way of Answer or Confutation of a libellous Pamphlet, entitl'd, *An Antidote against Poison: Together with an Argument in the great Case concerning Elections of Members, to serve in Parliament, between Sr. Sam. Bernardiston and Sr. Will. Soames, Sheriff of Suffolk, defendant, in the Court of King's Bench, in an Action upon the Case, and afterwards by Error su'd in the Exchequer, writ by Sr. Rob. Atkins, in 2 Parts, fol. pr. 2 s. and Ld. Ch. Just. Herbert's Account examin'd; wherein are shewn, that those Authorities in Law, where-with he would excuse his Judgment in Sr. Edw. Hales's Case, are very unfairly cited, and as ill apply'd, in 4to, pr. 1 s. by Will. Atwood Barrister at Law. Besides that Herbert, there were three or four more Law-Writers, that seem'd inclin'd to be detain'd in the Tory-Cause, upon suitable Occasions and proper Fees; viz. Mr. Hunt, Robert Callis, John Bridal, Fabian Philips and Sr. B. S. who prov'd no unlucky little Speech-maker, as it happen'd, to himself, nor to his principal Patrons, Sr. F. P. and Sr. J. H. whose Special*

Pleas (in Politicks as well as Law) to some of the precarious Tory-Rules or Orders of Court or Courts, the t'other appearing from behind the Curtain thereupon, and grafting upon their special Imparlances (for time to occasionally withdraw as well as for time to plead) got fresh Opportunities to stalk from one Partie-Fee to another, without any further Demurrers.

'Tis very observable, that the sayd Sr. B. S. a Dissenting Preacher's Son or Brother or both, and two more of a Dissenting Education as well as Extraction, should both at the same Time turn Tory-Lawyers & Courtiers, whilst a great Nonjurer Lawyer or two, happen'd likewise to be turn'd zealous Converts to Whiggism; and a Dissenting Priest or two turning Barristers at Law, to be neither Whig nor Tory, but wholly to convert themselves to the peaceable Getting of Legal and Equity Money, to be converted accordingly for the better Enjoiment of the Fellow-feeling and Prospect of the Folly of the Creature in it's full Carriere of Avarice and Ambition, yet still *Veering* to the moving Point of the Constitution-Compass. But to compleat this wonderful Scene, all those various Converts, except one (who trying all things, could find nothing to hold fast as best, but the Law-Mendicant or Stoical Part of the Reformation)

tion) of the last and worse kind, arriv'd to a great Pitch of Credit and Wealth, and most of them to considerable Posts and Honours, even with uncommon Applause: Another cotemporary Pair (who almost successively lead on, and as successfully lead up that lucky Dance) were at last thought to have been likely to be so lucky also, as to be Converts in some Measure from the *Works* of the *Flesh* to Morality and Religion; which some were of a Mind that they dealt in, only by Wholesale and in Gross, as most Lawyers lump their Charity, by recommending the Laws of Charitable Uses.

Our late great Law-Writers, *Levinz* and *Lutwich*, were certainly of the Tory-Set at least in their Conduct in K. *James* the 2d's Reign, tho' they prov'd afterwards as hearty Whiggish Converts as Oaths and Abjurations could make them; neither have they writ any thing in their printed Entries or Reports that favour's the Over-ruling Law of Torism: and came off better after their fatal *Exit* than their Brethren *Sr. T. G - - r*, and *Sr. R. W.* who were Tower'd for some time, tho' the latter when *Ld. Ch. Justice* upon the Tryal of the 7 golden Candlesticks, was so much a Whig as to brow-beat the Tory Deputy Recorder, twitting him with Speech-making, and that he would heare what he had to say, because it should never be sayd, that he spoil'd or hinder'd any fine Speech, or to that Effect: but that ruff'd little *Sr. B.* to that Degree as not to be able to say any more, (which was very extraordinary, since Bashfulness was one of the least of his Imperfections,) and consequently so as to save his *Bacon* by it, for all that any one knows: Tho' his wise Principal's Conduct was so well approv'd of afterwards, as to be so advanc'd as to be able not only to protect his Instrument, but also to make him ample Amends for the manifold Risques he had ran thro', by making him his Favorit at the Bar, ever after. But nothing could be so extraordinary, even to Diversion, as to hear two Law-Converts at the foremention'd Tryal (*Sr. R. S.* and *Sr. W. W.*) twitting one another with changing of Sides: For nothing could be well higher than the first, nor lower than

the second in K. *Ch. 2d's* Reign: yet in the next Reign *Sr. W.* turn'd a very high Tory, and *Sr. R.* turn'd as low a Whig: nay, *Sr. W.* invited publickly at the open Bar both *Sr. R.* and the rest of the Whig-Counsel of the t'other Side, to change Sides once more, and to do as he had done, that is, to become again thorough-pac'd Tories: Yet that great Tory-Convert had the Mortification to live long enough, to abjure his Torism and to become again a Conformist, if not a Convert to Whiggism. See the Bishops Tryal, where *Sr. F. P.* pleaded like any Low-Church Martyr, yet without ever Recovering any of his Dignities lost for Whiggism, whilst one for being absent, and another for speaking a dozen or two of words or lines, were prefer'd to the Pinnacles of Law-Preferments. And even old *Sr. J. M.* at last got up then to the Law-Bench, tho' (he had excus'd himself from appearing as Counsel for the Bps.) 'twas where he understood and practiz'd least: yet it cost him dear, to run the Gauntlet of all Parties, and through thick and thin of all Revolutions: who was yet very remarkable for not only being a severe Manager for the Lower-House against the Earl of *Strafford* at his Tryal before the House of *Lds*, but also particularly for the pleasant Demurrer he put in, to the Jurisdiction of the same Lords, in 1648. Jan. 29. when he with ten Members of the Lower-House and 7 Lords were Impeach'd before the House of Lords, from whom he appeal'd as not competent Judges, whether he was guilty of raising a new War; but they at last came over him with a Witness, fining him 500 *l.* and ordering him to prepare for his Tryal before them, and to remain in the Tower in the mean time: But at last he found a Plea of Submission, worth fourty of the t'other, and fell upon his Legs as usual, (tho' first upon his Knees,) and remain'd so to a very great old Age, when he could tell some great Lawyers, that he had forgot more than ever they had read.

But he'll never be forgot, as long as there will be a Lawyer that has Learning enough, to read and understand the Law of these Realms in it's Offspring and Original, publish'd by *Sr. John Maynard*, in the Reports of

of Cases in the Time of King *Edm.* the 2d, and also divers Memoranda of the Exchequer in the Time of *Edward* the 1st, according to the ancient Mss. in the said King's Serjeant at Law's Hands, with a perfect Table of the Matters &c. in fol. *French*, pr. 25 s. formerly, but now 18 s. and *Placita Parliamentaria*, sub *Edwardo* 1 & 2 Edit. Lond. 1661. by *Henry Twyford* and *Thom. Dring*. And *Sr. Matthew Hale* in his Preface to *Rolle's* Abridgment observe's, that our *English Justinian* *K. Edward* the 1st, reduc'd the Laws of *Wales* into a better Compendium, by the Ministry of a great Council or College of learned Men &c.

But besides the peculiar kind of those occasional Law-Converts, the greatest and first Precedent of a temporizing, turning, trimming and self-interested Lawyer, was the famous Popish Serjeant, *Edm. Plowden*, in *Q. Elizabeth's* Reign, who plodding through Cross-ways up to his Conscience in avaricious Drugery and Self-Interest, for to hoard up a great Estate out of Protestant Fee-Money, notwithstanding his being a Popish Zealot: But more of him hereafter. In the mean time, as to Tory and Whiggish Legality, our right Constitution-Law-Student, would do well also to read, a learned Argument, to prove that each Subject hath a Propriety in his Goods — by a late Learned Judge of this Kingdom, in 4to, pr. 1 s. The Arguments upon the Writ of *Habeas Corpus*, in the Court of King's Bench, with the Opinion of the Court thereupon, in 4to, pr. 1 s. Two Arguments in Parliament, the 1st concerning Canons: the 2d concerning *Præmunire* upon the Canons, by *Edward Bagshaw* Esq; in 4to, pr. 6 d. The Liberty of the Subject, maintain'd by an Argument in Parliament, Anno 7 *Jacobi Regis*, by *Will. Hake-will* of Lincoln's-Inn, Esq; in 4to pr. 1 s. 6 d. The Power, Jurisdiction and Privilege of Parliament, by *Sr. Rob. Atkins*, in fol. pr. 2 s.

Now to descend more in particular to our Law-Standards, we will go on with those Whig-Lawyers of the deepest Dye, *Henry Rolle*, *Edm. Wingate*, *Joh. Selden*, *Joh. Hall*, *Sr. Matt. Hale*, and the rest *ubi supra*. The first descended from the honourable Family of the *Rolle's* now settl'd at *Heanton* in *Cornwall*,

and at *Stevenstone* in *Devonshire*, and elsewhere: Our great *Henry Rolle* enter'd himself Student of the Law in the Inner-Temple, in the 6th Year of *K. James* the first's Reign, where he had the opportunity of being bred at the Feet of our *Law-Gamaliels*, *Sr. Ed. Coke*, *Sr. George Croke* and *Sr. Will. Jones*, his *Sages Masters Apprises en la Ley*, as well as to improve both actively and passively with his cotemporary Associates in the Law-Studies, *John Selden*, *Sr. Matthew Hale*, *Sr. Edward Littleton*, *Sr. Geoffrey Palmer*, *Sr. Orlando Bridgman*, and others, who were all to a Man (except *Sr. Edward Littleton*) dispos'd to submit to the then higher Powers, even so as to take the several Oaths of the Anti-Regal Protestation, Republican Covenant, and Anarchical Engagement, under the Acephalous Presbyterian and Independant Governements. Accordingly in 1648. Novemb. 21. Judge *Henry Rolle* was sworn Lord Chief Justice of the Upper-Bench, and Serjeant *Wild*, Lord Chief Baron of the Exchequer, according to an Order of the House of Commons, Octob. 30. of the same Year: And according to a like Order of the same Octob. the 12. whereby *Mr. Fermin* and *Samuel Brown* should be Judges with *Rolle*; and that *Mr. St. John* (not long before, the Kings Attorney General) should be Lord Chief Justice of the Common Pleas, with Serjeant *Creswell* and *Sr. Thomas Beddingfield*; and that *Mr. Whitlock* should be the Attorney General of the Dutchy, and State-Serjeant with *Sr. Thomas Widdrington*; and that *Mr. Prideaux* should be Solicitor General: As *Mr. Steel* was to be the Attorney General, and *Mr. Cook* the Solicitor General, and *Doriflaw* and *Ascham* Managers, and Serjeant *Bradshaw* President to the High Commission, according to an Order of the same House of Commons, in the subsequent Jan. 10. of the same fatal Year, 1648. but on the 17th following *Mr. Steel* fell sick, till after the barbarous Tryal and Execution were over. About 7 Years after, viz. in 1655. one *George Cony*, Merchant in *London*, brings an Action before *Ld. Ch. Just. Rolle*, against one or more of *Oliver Cromwell's* Tax-gatherers: The Serjeants

jeants *Maynard* and *Twisden*, with Mr. *Wadham Windham*, were of Counsel with the Plaintiff *Cony*: but old *Noll* soon sent those three Lawyers with their Plea out of *Magna Charta*, to the Tower, by Vertue of his own Arbitrary *Magna Farta*-Demurrer, whereby he could over-rule all Law and Equity, *pro re nata*: but *Cony* nevertheless push'd on his Suit to Tryal, tho' he was to be his own Counsel himself, (notwithstanding the t'other three by an humble Petition and Submission to *Oliver*, had got out of the Tower in 2 or 3 Day's time) and pleaded so long and so well, that Learned *Rolle* was oblig'd to betake himself to that fatal Maxim of those more fatal Times; viz. *That something was to be given and yealded to Necessity*. Whereupon *Cony* smartly reply's, *that 'twas very hard that People should make the Necessity themselves, and then plead it to justify the Sequel*. However, cunning *Rolle* defer's to give Judgment till another Terme: In the mean time he petition's *Oliver*, to lay down his Office of *Ld. Ch. Justice*, by Reason of his Age and Infirmities; which was granted him, and Serjeant *Glyn* then Recorder of *London*, was put in his Roome: tho' some say, old *Noll* turn'd *Ld. Ch. Justice Rolle* out, himself, *ex proprio motu*, by Reason of *Rolle's* dilatory Scruples of Law or Conscience. About the same Time, *Sr. Peter Wentworth* refus'd likewise to pay the same Tax, and brought his Action in like Manner against *Oliver's* Collectors: but he was forc'd to drop it rather than to be sent to the Tower; tho' he was also a Member, zealous enough of and for, the long Parliament. See more of Judge *Rolle's* Learning and Vertues in his intimat Friend and Brother Judge, *Sr. Mat. Hale's* Preface, to the Publication of *Rolle's* Abridgment of the Law, in *French* fol. *Lond.* 1668. 2 Vol. pr. 2l. 5s. But that great *L.C. Just. Hale*, say's not a Word to excuse or to justify *Rolle's* Complying or Engaging himself, so far with the Torrent of those unjust and illegal Times: for, that would have been to touch his own Copyhold, and making an Apology for himself, which he ne-

ver did (nor ever intended, in all Probability) in any of his own Works, tho' he continu'd one of the Judges under *Oliver* for 4 Years after Judge *Rolle*, that is till *Oliver's* Death, without any publick Recantation either before or after his Conversion to the Liturgy of the Church of *England*: 'Tis true, the late *Dr. Burnet* acquaints us in his Life, that Judge *Hale* refus'd to act any more after *Oliver's* Death under poor *Richard*, tho' he was importun'd thereunto by *Sr. Geoffrey Palmer* and *Sr. Orlando Bridgman*, who would have had him accept of *Rich. Cromwell's* Commission of Judicature: But to any one's Thinking, that Biographer apologize's very poorly for *Sr. Mat. Hale*, by making him to swear, only *ore tenus*, for *Oliver's* Government, whilst he wish'd well in his Heart for another, and that he took a contrary Oath for the Good of the Publick, or to prevent further Mischief: which even that Biographer us'd to bellow against in those that took the Government Oaths, and yet seem'd to look another way, as he call'd it, and to favour the *Jacobit's*. But all that can be say'd in any reasonable Excuse or Apology for those great Men, *Rolle, Hale, Selden* and others, is that they found themselves in the wrong Box, and were overjoy'd at last, that their own and the publick Errors were so lucky as to be likely to be put to rights and aton'd for at Long-run, and that things were not carry'd on to worse Extreame. However, as to Judge *Rolle's* Law-Abridgment, his great Admirer and Brother Judge *Hale*, own's in his foresayd Preface, that several of those abridg'd Law-Cases were borrow'd from the Reports of *Sr. Francis More* and *Sr. George Croke*: which Sort of Plagiarism is neither any Disadvantage to the Case nor to the Abridger, as Judge *Hale* positively maintain's; tho' our modern Law-Criticks would have made it fault enough to vilify and damn the whole Book for it, especially if any one now a days should pretend to draw any Law-Materials from *Speed* and *Skene*, as our Great *Rolle* did, *vel Judice Hale*, as was observ'd before.

LONDON, Printed for MYLES DAVIES, the Author of this and *Atb. Britannica*,
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The Lawyer's Post,

Num. 8.

O R
An Express to the Practitioners and Clients as well
as to the Students and Professors of Law, Equity and good Conscience,
both in and out of the Third University of England.

By the way of Doctor and Student, or Master and Disciple, or Apprentice
en la Ley.

From *Athenæ Britannicæ*, Vol. 1. p. 15, 20, 58, 68. 110. 116. 215. à pag. 304. to 346.

Vol. 2. pag. 38, 44, 47, 53, 61. à p. 1. to 25. and à p. 89. to 135. Vol. 3. &c.

For the Diversion of some and Instruction of others.

M. **W**HAT other Law-Writings
have we from the foremen-
tion'd great Dissenting Con-
vert Ld. Ch. Justice Rolle?

D. Rolle's Reports also in 2 Vol. French in
fol. pr. 1 l. 10 s. tho' formerly only 24 s. re-
commended likewise by the same L. C. J. Hale.

Sr. Matthew Hale was Son of Robert Hale
Esq; Barrister of Lincoln's Inne, by Joan
his Wife, Daughter of Matthew Pointz of Al-
derly in Gloucestershire, near Wotton Underedge,
Student of Magdalen-Hall Oxon, and of Lin-
coln's-Inne London. In 1643. he took the A-
narchical Covenant and Engagement, and
was one of the Presbyterian Assembly of In-
dependant Divines. He with Will. Steel, Re-
corder of London, Charl. George Cooke, Sr. Hen-
ry Blount, Sr. Anthony Ashly Cooper, John Foun-
taine, Hugh Peters Clerk, John Rushworth of
Lincoln's-Inn, and others, were appointed
by the Anarchical Parliament, to consider
and consult of the Reformation of the Law.
In 1652 and 53 he was made Serjeant at Law,
and one of the Justices of the Common Pleas.
In 1554. he was one of the 5 Knights cho-
sen, to sit in Parliament for the County of
Gloucester. In 1658. he was elected Burgess
of the University of Oxford to sit in Oliver's
Parliament. In 1660. he was elected one
of the Knights for Gloucestershire. The next
Year following, he was made Ld. Chief Ba-

ron of the Exchequer, by K. Charles the 2d,
and in 1671. he was promoted to be Ld. Ch.
Justice of the King's Bench: About 4 Years
after, he resign'd that great Place of Judica-
ture, the better to prepare himself for Death,
which happen'd in 1676. and was bury'd in
Alderley aforesayd. He was cordially belov'd
by all Parties, as being a moderate meek
Moises, a solid Philosopher, a religious Di-
vine, a finish'd Judge, an universal Scholar,
and an unexceptionable Christian Patern.
His Philosophick and Moral Writings breath
Piety and Vertue in every Line, well known
to all serious Readers of these Realms, and
often printed, as well as his *Pleas of the Crown*,
in 8vo, pr. 4 s. which the late great Sr. John
Holt us'd to carry with him, and occasion-
ally consult upon the Bench at the Old Baly,
τῇ αὐτῇ τῇ ἐμ' αὐτῇ. The Original In-
stitution, Power and Jurisdiction of Parlia-
ments: being a Manuscript of the late Lord
Ch. Justice Sr. Matt. Hale, in 8vo pr. 3 s. *De
Successionibus apud Anglos*; or, a Treatise of
Hereditary Descents, by the Ld. Ch. Justice
Hale, in 8vo pr. 1 s. 6 d. being bound up also
as the 11th Chapter of the History of the
Common Law of England, in 8vo pr. 7 s. A
Discourse touching Provision for the Poor,
by Sr. Matthew Hale, in 12. pr. 1 s. A short
Treatise touching Sheriff's Accoumpts, by
Sr. Matt. Hale, late Ld. C. Just. of the King's
Bench,

Bench, in 8vo, pr. 2 s. *Sr. Matt. Hale's* Preface to Judge *Rolle's* Abridgment, has been spoken of and to, already: He licenc'd also *Rolle's* Reports, in 2 Vol. in fol. *Fren.* pr. 1 l. 10 s.

'Tis true, the late Dr. *Burnet*, *Hale's* Biographer, pretend's that our excellent *Ld. Ch. Justice Hale*, after he was made one of the Judges under *Oliver*, resolv'd once, not to act on the Crown or Criminal Side; and represents him afterwards as breaking that Resolution: But those are all trifling Notions; for both *Hale* was too upright a Man, to act so by halves upon a dubious Conscience, and *Oliver* too despotick a Governour, to be so tripp'd with all as to take up with any Bargains, especially, since the Bar even then was thick lin'd, and furnish'd with a fair Herd of complying able Lawyers, that would gladly have leapt at and on the Bench, without any such scrupulous Limitations: For those were times of free-doing as well as free-thinking.

Senior, to that worthy Law-Writer at *Lincoln's-Inne* as well as at Bar and Bench, was then learned old Brittain *Sr. Will. Jones* of *Castel-a-March* in *Carnarvonshire*, North-Wales, bred at *St. Edmund's-Hall Oxon*, and at *Lincoln's-Inne London*; he was *Ld. Ch. Justice* in *Ireland*, and Justice of the Common Pleas and King's Bench successively in *England*. His learned Reports were not printed till 1675. in fol. *French*, pr. now 1 l. 8 s. tho' formerly but 18 s. There be also several of his Eloquent Speeches in Parliament, publish'd in our respective Histories. He dy'd in the Year 1640. and the next fatal Year dy'd another Standard of the Law, viz. *Sr. George Croke*, who was not much Inferior no more than Junior to *Sr. Edward Coke*, being mostly cotemporary and sympathizing Associates in their Law-Studies, as well as almost equal in Law-Preferments and Performances. *Sr. George Croke* was Son of *John Croke*, and *Elizabeth Unton* his Wife, born at *Cbilton* in *Buckinghamshire*, in the 1st or 2d Year of *Q. Elizabeth's* Reign, and bred at *Oxford*: thence he became a double Reader in the Inner-Temple, Serjeant at Law, the King's Serjeant, Justice of the Common Bench, 22th of *K. Jam I.* and then of the Upper-Bench, 4th Year of *Caroli*. At last he petition'd King

Charles I. for a *Writ of Ease*, which was in effect more than granted; for the Fees and Honour of Chief Justice were allow'd him, while he liv'd. He was a Person admirably well vers'd in our Constitution, and of unshaken Constancy and Integrity as well as of unbyass'd Learning. He was against the Levying that Naval-Aid call'd Ship-Money, without the Consent of Parliament, both publickly in *Westminster-Hall*, and privatly in his Judgment demanded by the King, even at that Time when almost all the rest of the Judges were against him, and for pleasing the Court-Measures; and he was forc'd at last to subscribe with the rest, (according to a pretended Course of the Court) as being concluded by the Plurality of Voices. Whence that By-word was improv'd, that, Ship-Money may be got by Hook but not by Crook: Tho' he blam'd his Countryman *Hampden*, for raising such a factious and ill-natur'd Dispute, for the Value of 18 Shillings. The ingenious *Mr. Lloyd* in his Court-Favorites, say's Judge *Crook*, approv'd the Convocation-Canons, made in 1640. but *quære ceo*: 'Tis not very likely, he should admire them, since Chancellor *Clarendon* lay's a great Share of the ensuing Combustion to the Charge of that Convocation. The Reports of *Sr. George Croke*, publish'd out of *French* into *English*, by *Sr. Harbottle Grimstone*, Master of the Rolles, and one of the Benchers of the Honourable Society of *Lincoln's Inn*, in 3 Parts in fol. price of the 3d Edit. 50 s. formerly, but now 4 l. 10 s. The Arguments of *Sr. Rich. Hutton* and *Sr. George Croke*, together with the Certificat of *Sr. J. Denham*, upon a *scire facias*, brought by the King in the Court of Exchequer against *Joh. Hampden Esq*;: As also the several Votes of the Commons and Peers in Parliament; and the Orders of the Lords for the Vacuating of the Judgment given against *Mr. Hampden*, in 4to pr. 2 s.

As we owe our foremention'd Law-Standards, *Sr. Ed. Coke*, *Sr. G. Croke*, *J. Selden*, *H. Rolle*, *W. Style* & *Knightly d'Anvers*, to the Inner-temple, so we are indebted to *Lincoln's-Inn*, for our other Law and Equity Standards, *W. Lambard*, *Sr. Mat. Hale*, *Sr. Will. Jones*, *Sr. H. Spelman*, *Sr. Hen. Hobard*, *Sr. Harbottle Grimstone*, and even

Sr.

Sr. Tho. Egerton, who was extracted from the ancient Family of the Egertons of Ridley in Cheshire, bred in Brasenose Coll. Oxon, and in Lincoln's-Inn London. Thence he pass'd through all the great Law-Dignities, except the Common Law-Bench: First he was made Solicitor General, then Attorney General (in both which Places he was succeeded by Sr. Edw. Coke, aforesayd) afterwards Master of the Rolles, and Lord Keeper of the Great Seal, May the 6th 38 Elizab. 1596. Soon after King James's Accession to the Throne, he was made Ld. Chancellor, Baron of Elsmere, and at last Viscount Brackley, Novemb. 7. 1616. His extraordinary grave Aspect was solidly seconded with a wise Weight of a well poiz'd Soul: When he saw King James's Magnificence to some Courtiers, he stick'd not to tell him with the Fidelity of a wise States-man, that, as he held it necessary for his Majestie, amply to remunerate all the trusty-ones of his Country-men, so he desir'd him carefully, to preserve his Crown-Lands for his own Support, seeing, he or his Successors might meet with Parliaments, which would not supply his Occasions but on such Conditions as would not be very acceptable unto him, or to that Effect, as the Ingenious Welshman Mr. David Lloyd expresses it, *ubi supra*. 'Twas an ordinary Saying in that wise Chancellor's Mouth, that, *Frost and Fraud both end in Foul*. So also were these other three Maxims of his: *viz.* Not to trust one self, because, they that stand by, see more than they that play the Game: (2) to yield to Time and Fournune, and not do that for one's Enemies, which they could never do themselves: (3) to have a careful Eye upon those Actions, on which one knows there are many envious ones. He was the sole Chancellor since the Reformation, who had a Chaplain that succeeded him in his Place, tho' not immediatly: *viz.* ArchBp. Williams, whom Ld. Clarendon in his excellent History blame's for such an Undertaking so disproportion'd to Clergymen, whose Function as well as that of the Law and Equity, require's *totum hominem*; besides the other Exceptions of Incapacities and Inabilities generally allowable in such Tur-

nings of Gowns. Tho' that Ld. Keeper Williams, ArchBp of York, was the fittest Clergyman that ever had the Purse and Mace carry'd before him, yet his Exit left no Temptation, or Obligation on the Courtiers no more than on the Lawers, to give the Clergy any further Trouble in that kind; tho' perchance the Stains he left upon Episcopacy and Loyalty, were not of a deeper Dye, than those of others of the Law and Clergy in that *Deluge of Unrighteousness*: For, all that the Lord Clarendon (who was no Friend to aspiring Clergymen, especially whose Ambition and Avarice lead them out of their own Sphere) say's of Bishop Williams, is that, after he accepted of the Seals, he was generally unacceptable, whilst he held that Office of the Keeper of the great Seal — *ibid.* in Hist. p. 74. and 75. Laud made one of the Treasury — Juxon Bishop of London made Lord Treasurer, a Man so unknown — no Doubt did not only sharpen the Edge of Envy and Malice against the ArchBp. (who was the known Architect of this new Fabrick,) but most unjustly indispos'd many towards the Church it self, which they look'd upon as the Gulph ready to swallow all the great Offices, there being others in View of that Robe, who were ambitious enough to expect the rest &c. as the Noble Historian and Chancellor Clarendon expresse's it. But more of Ld. Keeper Williams and his unfortunate Predecessor Chancellor Bacon hereafter, as well as of the rest of our famous Lawyers, in their Turn. In the mean time we may observe still further with the same Chancellor Hyde, in his accurate History, Vol. I. p. 241. speaking of the peevish and ambitious Spirit of some Clergymen, who had a Mind to be tampering with Law-Functions, because some Popish Clergymen in former Times, were exalted to Seats of Judicature, add's very wisely, that the Fomentation as well as Cause of that unavoidable Intrusion, was by reason, the Religion of those former Times unfortunately happen'd to be a *Vital Part* of State Policy:

Tho' in reality, most of those Clergymen so advanc'd out of their own Sphere, had been taken from the Law-Bar or Bench to supply

Supply the Ignorance of the Popish Clergy: Whence it was, that those who were so lent to the Clergy, were also afterwards borrow'd from them again for the like Supply: Thus the Popish ArchBps. of Cant. *Wulfelm*, was made *Ld. Chancellor*, *Dunstan* *Ld. Treasurer*, *Becket* *Chancellor*, *Walter* *Chancellor* and *Ld. Ch. Justice*, *Seratford* *Chanc.* *Langham* *Chancel.* *Sudbury* *Chanc.* *Arundel* *Chancell.* *Kemp* *Chanc.* *Bourchier* *Chanc.* *Morton* *Chanc.* *Warrham* *Chancellor*; thus the Popish Bps. of *Bath* and *Wells*, *Button* made *Ld. Chanc.* and *Treas.* *Burnell* *Ld. Treas.* *Drovensford* *Ld. Treas.* *Stafford* *Ld. Chanc.* and *Treas.* *Stillington* *Lord Privy Seal* and *Ld. Chanc.* *Oliver* *King Secretary of State*, *J. Clarke* *Master of the Rolls*; thus the Bps. of *Chichester*, were respectively made, *Neuil* *Ld. Chanc.* *Langton* *Ld. Chanc.* *Stratford* *Ld. Chanc.* *Molins* *Clerk of the Counsel*: Bps. of *Lich.* and *Cov.* *Pateshull* *Ld. Treas.* *Langton* *Ld. Treas.* *Northbrook* *Master of the Wardrobe* and *Ld. Tr.* *Blythe* *Ld. President of Wales*, *Lee* *Lord Presid. of Wales*, *Sampson* *Ld. P. W.* Bps. of *St. David*, *Gilbert* *Ld. Treas.* *Mona* *Ld. Treas.* *Lindwood* *Ld. Priv. Seal*: Bps. of *Ely*, *Nigellus* *L. Treas.* *Longchamp* *L. Ch.* *J. de Fontibus* *Ld. Tr.* *W. de Kilkenny*, *L. Ch.* *Kirby*, *L. Tr.* *Hotham*, *Ch. of the Exch.* *L. Ch.* and *L. Tr.* *Philip Morgan* *L. Pr. Seal*, *Grey* *L. Tr.* *Morton* *Master of the Rolls* and *L. Ch.* *Alcock* *Mast. of the Rolls.* *Goodrich* *L. Ch.*: Bps. of *Exeter*, *Stapleton* *Ld. Tr.* *Brentinsham* *L. Tr.* *Stafford* *L. Ch.* *Nevill* *L. Ch.* *Veyssy* *L. Pres. of Wales.* Bps. of *Hereford*, *Reinelm* *Chanc. to the Queen*, *Cantelupe* *L. Ch.* *Adam de Orlton* *L. Tr.* Bps. of *Lincoln*, *Bloet* *L. Ch.* *Alexander* *L. Ch.* *Walter de Constantiis* *L. Ch.* *Wallis* *L. Ch.* *Burwesh* *L. Tr.* *Rotheram* *L. Ch.* *Russel* *L. Ch.* Bps. of *London*, *Maurice* *L. Ch.* *Rich.* *Nigel* *Ld. Tr.* *Falconbridge* *Ch. of the Exch.* and *L. Tr.* *Wingham* *L. Tr.* *Chisul* *L. Ch.* and *Tr.* *Baldock* *L. Ch.* *Bentworth* *L. Ch.* *Walden* *L. Tr.* *Budworth* *Mast. of the Rolls* and *L. Tr.* Bps. of *Norwich*, *Hersfast* *L. Ch.* *Galsag* *L. Ch.* *Losinga* *L. Ch.* *J. Grey* *L. Ch.* *Just.* *Salm n* *L. Ch.* *Baldock* *L. Ch.* *Ayermin*, or, *Fermin* *Ld. Keeper and Treas.*

James Goldwel *Principal Secretary of State.* Bps. of *Rocheſter*, *Walter de Merton* *L. Ch.* *Shepſey* *L. Tr.* *J. Alcock* *L. Keep.* Bps. of *Salisbury*, *Oſmund* *L. Ch.* *Roger* *L. Ch.* *Just.* *L. Tr.* and *L. Ch.* *J. Waltam* *Mast. of the Rolls* and *L. Tr.* *W. Aifcotb* *Clerk of the Counsel*, *Beauchamp* *first Chancell. of the Garter*, in 1450. *Blythe* *Mast. of the Rolls.* Bps. of *Wincheſter*, *Swithin* *L. Ch.* *Petrus de Rupibus* *L. Ch.* *Just.* *Sandal* *Ch. of the Exch.* *L. Ch.* & *L. Tr.* *Stratford* *Ld. Ch.* & *L. Tr.* *Edingdon* *L. Tr.* and *first Prelate of the Garter*, in 1345. *Wickham* *L. Ch.* *Beaufort* *L. Ch.* *Wainſlete* *L. Ch.* *Foxe* *L. Pr. Seal*, *Gardiner* *L. Ch.* Bps. of *Worceſter*, *Simon* *Ch. to the Queen*, *Grey* *L. Ch.* *Gifford* *L. Ch.* *Reynold* *Ld. Ch.* and *L. Tr.* *Thurſby* *L. Ch.* *Barnet* *L. Tr.* *Wakefield* *L. Tr.* *Philip Morgan* *Chanc. of Normandy* in 1419. *Heath* *L. President of Wales.* ABps. of *York*, *Giffard* *L. Ch.* *Greenfield* *L. Ch.* *Melton* *L. Ch.* and *Tr.* *W. Zouche* *L. Tr.* *Thurſſby* *L. Ch.* *Nevil* *L. Ch.* *Rotheram* *Ld. Ch.* *Holgate* *Ld. President of the North*, *Heath* *L. Ch.* Bps. of *Carlile*, *Man* *L. Tr.* *Everdon* *Ld. Ch.* *Lumley* *Ld. Ch.* Bps. of *Durham*, *Walcher* *Earl of Northumberland*, *Will. de Carileſo* *L. Ch.* *Just.* *Flambard* *L. Tr.* *Rufus* *L. Ch.* *Pudley*, *Earl of Northumberland.* *Bury* *L. Ch.* and *L. Tr.* *Hatfield* *Principal Secretary of State*, *Fordham* *L. Treas.* *Langloy* *L. Ch.* *Boothe* *Ld. Ch.* *Bambridge* *Master of the Rolls.*

And indeed, moſt of the Popiſh Biſhops in all Ages have always been taken from their Civilians or Canonists (between whom there's no other Difference than between a Counsel that constantly attends the King's Bench, and another that always waits upon the Chancery-Bar) as is still practis'd amongst them, with ſuch Advantage and Ornament to the Popiſh Church, that it could never have ſubſiſted till now, had not their ſuperſtitious Miters been wore by their learned Lawyers; ſuch as the late *Peter de Marca*, who was firſt a Common Pleader in the French Courts of Judicature, then advanc'd to the Bench, and at laſt made Archbiſhop of *Tbolouſe*, and thence translated to that of *Paris*.

The Continuation of this in the next Paper.

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An Express to the Practitioners and Clients as well as to the Students and Professors of Law, Equity and good Conscience, both in and out of the Third University of England.

By the way of Doctor and Student, or Master and Disciple, or Apprentice en la Ley.

From the Author of *Athen. Britannica*, Vol. 1. p. 15, 20, 58, 68. 110. 116. 215. à p. 304. to 346. Vol. 2. pag. 38, 44, 47, 53, 61. à p. 1. to 25. and à p. 89. to 135. Vol. 3. &c. with other proper Law-References.

For the Diversion of some and Instruction of others.

M.  HAT was the Practice of other Churches, as to the Assumption of Lawyers, to be their Ecclesiastical Governours and Bishops?

D. In the Greek Church, nothing can be more certain, than that ever since the 6th or 7th Century of Christianity, all their Patriarchs, ArchBps., Bishops and Abbots with the rest of their Ecclesiastical and Monastical Archmandrits, were always and are still to have been Lawyers, and well read in the Civil as well as the Canonical Laws, and proportionable Practitioners therein: inso-much, that the Popish Usurpation took Umbrage thereat, with other superstitious Beegots of the Greek Church, as may be seen in the 8th General Synod, in the great Case of the learned Patriarch *Photius*, who from the Law-Bench of Senators, and so a Layman, was immediatly advanc'd to that Patriarchate of Constantinople; which he shew'd by undeniable Precedents and Records to have been practiz'd immemorially; and therefore Legally and Canonically prescrib'd Time out of Mind. See the whole Case excellently well abridg'd and reported by our Divine Dr. *Hammond* in his References of Heresie, Sect. 11. and in his learned Argument and Answer to a Romish Gentleman &c.

Whence the Grecian Monasteries were in the nature of Inns of Courts, for to learn Law rather than Gospel, as is evident by almost all the Law-Writings of the Greek Church and State-Constitution, and mostly pen'd by Monkish Lawyers, or such as so turn'd for that Purpose in those respective Monastical Inns of Court: Witness, the several Law-Abridgments, publish'd by the Greek Monk-Lawyers, *Zonaras*, *Matthæus Blastares*, *Arsenius* and other Abbots and Patriarchs or Bishops *Servientes ad Legem*, in our late Bishop *Beveridge's Pandectæ* or Collections of the Grecian Constitution &c.

But to return to our Sage Chancellor *Egerton*, we must lastly observe, that the great Chancellor *Hide*, took him to be one of our unexceptionable Standards in the Law of Equity: for, in his last Letter to the House of Lords upon his withdrawing from England, he assure's them, that he always took Chancellor *Egerton's* Maxims and Rules, for his constant Pattern in discharging his Duty in that great Trust of the High Court of Chancery, or to that Effect. *Vide sis Epistol. prædict. apud Historicos Angl. istorum Temporum* &c.

One of the next most considerable Lawyers since the Reformation, was Sr. *John Davies*, who was Son of a rich Tanner of Chis-

grave

grave in the Parish of *Tybury* in *Wiltshire*, bred in *Queen's-College Oxon*, and in the *Middle Temple London*: thence he became one of the King's Serjeants at Law, and Attorney General in *Ireland*: whence he was made Judge of the Assise in diverse Circuits, and a little before he dy'd he was appointed by the King's Writ, Lord Chief Justice of the King's Bench. He marry'd the Lady *Eliaenor Touchet*, the youngest Daughter of the Earl of *Castlehaven* in *Ireland*, and Baron *Audley* in *England* (the 2d Baron of *England*), by whom he had one Daughter, *Lucy*, who was marry'd to the Earl of *Huntingdon* in *England*. His Lady *Eliaenor* pretended to an extraordinary Gift of Prophecy, which she us'd to receive from a certain occult Voice, that often audibly foretold her strange Things, as she us'd to tell her Daughter the Countess of *Huntingdon*, and she to others: But that Lady Prophetesse having been bred a *Roman Catholic*, her Prophecies are much to be suspected: yet, such as they were, they were printed as strange and wonderful Predictions, at *London*, in 1649. in 4to, and three Years after on the 5th of July, she dy'd herself at *London*. One of her strange and wonderful Prophecies was, the Foretelling of her Husbands Death by her Shedding of Tears all of a sudden at Table; and being ask'd by Sr. *John*, what was the Occasion of her unexpected Weeping, she reply'd that they were his Funeral Tears, accordingly the next Morning Sr. *John Davies* her Husband was found dead in Bed, tho' well apparently the Day before, when he joak'd upon his Wife's Prophetick Tears. However, Sr. *J. Davies* was an universal Scholar as well as a very Learned Lawyer, tho' he was the first Tory-Lawyer, that ventur'd to abet that fatal Stretch of the Prerogative about Ship-Money, in Print, as appears by his, *Fus imponendi Vectigalia*: or, the Learning touching Customs, Tonnage, Poundage and Impositions on Merchandize asserted; as well from the Rules of the Common and Civil Law, as of General Reason and Policy of State, by Sr. *John Davis &c.* in 8vo, pr. 1 s. 6 d. It was not printed, as I take it, before 1650. and again, in 1656. But his Reports of Cases and Matters in Law

resolv'd and adjudg'd in the King's Courts in *Ireland*, were first printed at *London*, 1612. in 4to, then at *Dublin*, in 1615. and again at *London* in 1628. in fol. with a Table, *French*, pr. 8 s. But the first Work that he publish'd, was his ingenious Tract of Poëtry, call'd, *Nosce te ipsum*, dedicated to Q. *Elizabeth*, containing two Elegies; the first of Human Nature, and the 2d of Human Soul, printed at *London* 1599. qu. and again, 1622. in 8vo. The next publish'd, was, A Discovery of the true Causes, why *Ireland* was never entirely subdu'd nor brought under Obedience of the Crown of *England*, untill the Beginning of his Majestie's happy Reign, by Sr. *John Davis* at *London*, 1612. qu. dedicated to King *James* the 1st, with this *Latin Verse* only, *Principis est Virtus maxima nosse suos*. This Learned Lawyer Sr. *John Davies* dy'd at *London* in the Year 1626.

An other Cotemporary great Judge in our Legal *Israël*, was Sr. *John Doderidge* of *Barnstable* in *Devonshire*, bred in *Exeter-College Oxon*, and in the *Middle-Temple, London*; He was at last made one of the Judges of the King's Bench, and dy'd in the Year 1628. A compleat Parson, or A Description of Advowsons: wherein is set forth the Interest of the Parson, Patron and Ordinary, as they were deliver'd in several Readings in *New-Inn*, by *John Doderidge*, A. 1602. 1603. Edit. 1630. in 4to. An Historical Account of the Ancient and Modern Estate of the Principality of *Wales*, *Dutchy* of *Cornwal* and Earldom of *Chester*, collected out of the Records of the *Tower of London* and divers Ancient Authors, by Sr. *John Doderidge*, 2d Edition in 8vo 1714. pr. 2 s. 6 d. The *English Lawyer*, describing a Method for the Managing of the Laws of this Land, and expressing the best Qualities requisite in the Students, Practicers, Judges and Fathers of the same, by Sr. *John Doderidge*, in 4to, pr. 3 s. The Opinions of sundry Learned Antiquaries, Sr. *John Doderidge*, *Arthur Agard*, *Joseph Holland*, *Francis Tate* and *Will. Cambden*, touching the Antiquity and Proceedings of the High Court of Parliament in *England*, publish'd at *London* in 1658. in 8vo, by *John Doderidge* Recorder of *Barnstable &c.*

Sr.

Sr. Henry Yelverton dy'd the very next Year after the foregoing worthy Brother Judge: Sr. Henry was Native of *Easton Manduit* or *Maudet* in *Northamptonshire*, and Student of *Grays-Inne*, whence he was advanc'd (as his Father Sr. *Christopher*) to be one of the Justices of the King's Bench and of the Common Pleas, after he had been Attorney General to the King, by the Interest of his Patron the Earl of *Somerset*, through the original Means of his Relation, Sr. *Thomas Overbury*: And such was his noble Sense of Gratitude thereupon, and so refin'd were his Idæa's of Friendship, that he absolutely refus'd to impeach the said Earl, tho' the Duty of his Office as well as the Blood of his Relation, seem'd to lay irresistible Obligations, besides the unavoidable Incurring the King's Displeasure, and it's natural Consequence of being imprison'd in the Tower, which soon follow'd: whence he was releas'd by the Intermise of the then Duke of *Buckingham*, (to whom he had reveal'd in the Tower some self-saving Mysteries,) and immediately advanc'd to be a Judge as aforesaid: yet, when that inconstant Duke and Court seem'd to take Umbrage again at some part or other of Sr. Henry Yelverton's Conduct, this Learned Judge's Letter of Submission to the Duke, was very ingenuous, if he was guilty; and Courtly or superlatively grateful and friendly, if he was innocent. He dy'd in the Year 1629. Several of his Speeches in Parliament were publish'd occasionally. But one of the first things publish'd by him, was a Collection of 32 Godly and Learned Sermons, (written by *Edward Philips*, of Broadgate's or Pembroke-Hall, and Preacher at St. Saviour's *Southwark*, then call'd a Puritan, now Low-Church) at *London*, in 4to 1605. two Years after *Philips's* Death. Rights of the People of *England* concerning Impositions; by Sr. Henry Yelverton, in 8vo, *London* 1679. The Reports of Sr. Henry Yelverton Knight and Baronet, in the latter Part of Q. *Elizab.* and in the first ten Years K. *James I.* publish'd by Sr. *Th. Twissden* and Sr. *Will. Wild*, Judges of the King's Bench, 2d. Edit. in fol. *French*, pr. 8s. He was Speaker of the H. of Com. in 39. *Eliz.*

M. But before we go any further on in

the Biography and Nomologography of the rest of our Law-Sages and great Fathers in Law, 'twill be proper to enquire into the Origen of our Law-Societies and our Inns of Court, at least for the greater Novelty or Variety-Sake.

D. The first most Authentick Memoire thereof, is the Record in Parliament, 20. *Edwardi I. Rotul. 5. in dorso*, (to be seen inter *Placita Parliamentaria* before mention'd, Edit. in 1661.) where 'tis recorded, that the King injoin'd the *Ld. Ch. Just. John of Mettingham*, to make Choice of the best Attorneys and Students or Practicers of the Law, to attend the Courts: *Injunxit Joanni de Mettingham, ut habeat certum numerum de Attornatis & Apprenticiis melioribus & legalioribus &c.* See the fine Rolle, 11 *Edw. 3d* pag. 2. n. 14. & *Forrescue de Laud. Leg. Angl. cap. 49.* and *Coke's Proem. to Part 3d* of his Reports, and Sr. *Will. Dugdale's Origines Juridiciales &c.* Accordingly ever after there was a regular and gradual Coalition of the ablest Lawyers, as well as of those that intended to be so, or even that should pretend to practice the Law. In order thereunto, the Heads or most ancient and Studious Lawyers hir'd or bought the most convenient Inns or Houses they could find, for themselves and the younger Students, to meet and reside, or at least to come to, at the proper Times or Terms appointed to hear and determine legally the several Causes of Differences between the Crown and the Subject as well as between one Subject and another, for to maintain their Liberty and Property real and personal against all Casual Oppressions or Emergencies, according to their several ancient Pretensions, Customs, or Appurtenances, within the limited Bounds of the Legal and Regal Government.

In a MS. in *Cotton Library* at *Westminster*, under *Vitellius, C. q. fol. 320.* 'tis said, that the Law-Students in the first two Years of their Commencement, were call'd Clerks Commons, then Masters Commons, afterwards Utter Barristers, and at last Benchers: All these had their Repasts or Meals together in one large Room or Hall, but at several different Tables, rail'd or barr'd in by themselves separatly. The ancientest of the Clerk's

Clerk's Commons were call'd Abbots : The Inner-Bar Table was for the Masters Commons ; and thence were call'd Inner-Barristers, or Mootmen, who were to propose their Law-Cases or Difficulties to the Utter-Barristers, to be debated and resolv'd before the Benchers, who were to preside and rule over all the rest, in every Respect : The separate Meeting of the Benchers for that End, was call'd in the Temple by the honourable Name of Parliament, in Lincoln's-Inn by the Name of Bench, as I take it, and in Gray's-Inne by the Denomination of Pension. Each of those 4 great Inns of Court has 2 lesser, call'd Inns of Chancery for Clerks, Solicitors and Attorneys, to reside constantly, or occasionally, under the Superintendancy of one of the said four Capital Inns : As Thavis-Inn and Furnivol's-Inn belong to Lincoln's-Inn, Bernard's-Inn and Staple-Inn are under the Tuition of Grays-Inn, and Clifford's-Inn and Lyons-Inn are supervis'd by the Inner-Temple, and New-Inn and Clement's-Inn are under the Tuition of the Middle-Temple.

The first recorded Governors (now turn'd into Treasurers) of Lincoln's-Inn, were one *Rye*, and *J. Symonds*, who was afterwards Recorder of London A. 3. Henr. 6. as the first recorded Reader of that Inn, was one *W. Huddesfeld*, A. 4. Edw. 4. The common Rules of that House were to be seen fil'd upon a Board, hung up in the Buttery, ever since the 12th of K. James the 1st, where 'tis appointed, that in the Vacation Time, Mondays and Wednesdays were to be the Belt-days, and Tuesdays and Thursdays, the Moot-days ; but in Term-Time on the contrary &c. The most famous Members of that honorable House, were *Nicolas Statham*, *Thomas Littleton*, Sr. *John Fortescue*, Sr. *Thomas More* and *Will. Roftal*, as Popish Lawyers, before the Reformation : Since, the first eminent Law-Converts of our whole Protestant Constitution as well as of that House, was the Learned *Will. Lambard*, who was particularly honour'd by that House, as a particular Honour to it,

as may be seen at large in the Register of Lincoln's-Inn, Vol. 6. fol. 264. b. whose honourable Cotemporary Law-Converts were *George Ferrers*, *Thomas Phayer*, *Thomas Owen*, *Roger* or *John Manwod* and Sr. *Henry Spelman*, who enter'd that Society in 28. Elizab. at patet ex Registr. Hospitii Lincolniensis, Vol. 7. fol. 393. b. Sr. *James Ley*, Earl of *Marlborough* and Lord High Treasurer of England, *Chancellor Egerton*, *Ferdinand Pulton*, *Will. Hakewel*, Sr. *George Cary*, Sr. *Robert Holborne*, Sr. *Humphrey Winch*, Sr. *Hen. Hobard*, *Will. Pryn*, *J. Rushworth*, *Will. Noy*, Sr. *Harebottle Grimston*, *Rich. Bellewe*, *Fabian Philips*, *J. Brydal*, *Char. and H. Calthrope*, *Tb. Manby*, Sr. *Mat. Hale*, Sr. *Will. Jones*, Sr. *John* and *Orl. Bridgman*, *Nich. Collyn*, *J. Sherman* &c. To those Law-Writers and lasting Pillars of the Grandeur of the Law as well as of that honourable Society, might be added three more National Constellations of the first Magnitude, that took their first Law-Rise and Rays from Lincoln's-Inn, and all three of the same Christen Name as well as of the same Christian Propension to advance, or at least to succour the *Infelices Litterati*, tho' ever so despicable in themselves, or to others of more lucky Advancements: viz. Ro. E. of Ox. Mr. Bar. Price, Mr. Just. Eyres : and in particular, Lincoln's-Inn is remarkable to have had two of it's honourable Members, afterwards created Earles and Lds. High Treasurers of England, viz. the foremention'd *James Ley* Earl of *Marlborough*, and the Right Honourable *Rob. Harley*, Earl of *Oxford*. Besides a great many of the most renown'd Lawyers of the other Inns of Court, have, especially of late Years, transferr'd themselves to the most ancient Lincoln's-Inne &c.

The first Treasurer of the Middle-Temple, that I can find in any Idoneous Author, is one *J. Brooke*, A. 16. Henrici 7. In the Register D. belonging to that House, in fol. 31. b. there's found an Order of one of their Parliaments, held in the first Year of Q. Eliz. Nov. 3. made by Command from the Judges, that the Utter-Barristers, who did then or afterwards practice, should not presume so to do, till they were of 12 Years standing, and with the Licence of the Benchers: tho' they might be of Counsel with their Clients, and come with them to the Bar upon their Builness already begun &c. The Continuation of this in the next Paper.

The Lawyer's Post,

Nu. 10.

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By the way of Doctor and Student, or Master and Disciple, or Apprentice en la Ley.

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For the Diversion of some and Instruction of others.

M. W. H A T are the other Parliamentary Orders of the Middle Temple, as to their Bar-Call?

D. In 11 *Jacob.* 23. Apr. there was an Order made, that none should be call'd to the Bar, under 7 Years standing, *ut patet ex Registro.* 3. fol. 49. b. However, as to the first Admission-Fee, 'twas enacted (in 10 *Elizab.* 2. Junij) that, whosoever had been of any Inne of Chancery belonging to this House, should pay 40 s. only, for his Admission into this Society: but if he were of any other, then to pay 5 l. and if of no Inne of Chancery, he was to pay 6 l. 13 s. and 4 d. *Ex Registro.* D. fol. 81. b. And in 30 *Elizab.* there was an Order made on the 30th of June, that such Students of New-Inn, who brought a *Certificat* under the Reader and Principal's Hands of the said House, that they had mooted and done their Exercise of Learning in the said House, should have their *Antiquity* in the Middle-Temple, notwithstanding their Continuance, and being in Commons in New-Inne. *Ex Registro 2do Hospitii Medii Templi*, fol. 81. b. and 280. &c. Thence, the Term of Years to be call'd to the Bar, is now generally regulated by other personal Merits of Wealth or Interest: And the Admission-Money is commonly for a

younger Brother 50 s. and for an elder Brother or Heir to an Estate, is 5 l. without any further Ceremony: only before they enter Commons, there must be two competent Sureties: and in Lincoln's-Inn, two Securities of some of the same House is requir'd upon the first Admission or Matriculation, besides the Fees &c. There also those that are call'd to the Bar, are oblig'd to treat the whole Hall, Benchers and all: But in the Middle-Temple, the new Barrister is at Discretion to treat his own Messe, that is, any three besides himself: And some such like Difference of Rules and Customs may be found respectively in those 4 several great Inns of Court. The Law-Authors bred in the Middle-Temple, were mostly and chiefly these: Sr. Robert Brooke and Edmund Plowden, equal to any of their own Popish Race; as the following be as great Protestant Law-Writers and Converts, immediate or mediate and intermediate from Popery, as most of our Law-Authors of our Legal Reformation: William Fleetwood and Richard Crompton, Sr. Jam. Dyer and Sr. Job. Popham, Rich. Carew and Sr. Francis More, Sr. Job. Davies and Sr. J. Doderidge, Edw. Leigh, Sr. Jeffr. Palmer and Rich. Lane, M. Hawk and Paul Bowes, Thom. Manley and Joseph Washington, Sr. Francis North and Sr. Edm. Saunders, Thom. Latch and Thom. Siderfin, Sr. Thom.

Ray-

Raymund and Sr. Barthol. Showre, Will. Bobun and Will. Nelson. Whereunto may be added, other Middle Templers, famous for their Patriot Conduct and Legal Zeal to the present Constitution; viz. J. Ld. Sommers and Sr. Jos. Fekyl, Will. Ld. Cooper and Spencer Cowper, Sr. George Treby, Sr. Edward Northy and Sr. Peter King, the late Counsellor How and Samuel Mead Esq; with a great many more, tho' none of their Law-Collections be as yet publish'd, except perchance some of Sr. Geor. Treby's Mss. in the first Volum or two of the Modern Reports and some of Fr. Dyren Esq;'s Mss. in At. Br.

The first Treasurer I can find of the Inner-Temple, was one Ralph Leigh, An. 21. Hen. 7. the same Year there was also chosen a Governour of that House, viz. one Rich. Littleton, electus pro Morgano Kidwelly &c. Of this great Inne of Court, the first Original Law-Conveyancers and Converts from Popery, were lead on by J. Seyntgerman and J. Perkins, Tho. Williams, Sr. Edm. Anderson and Sr. J. Savil, Will. Dallison, Will. Bendloe and Rob. Kellwey, W. West and Edw. Trotman, Edw. Bulstrode, Sr. Edw. Coke and Sr. George Crook, Henry Rolle and Will. Style, J. Selden and Sr. Edw. Littleton, Sr. John Keeling and Sr. John Vaughan, Will. Ryley and Wil. Cowley, Sr. John Maynard, Sam. Carter, George Duke and Henry Curson, Will. Pettyt and Will. Atwood, Sr. Robert Atkins, Sr. Henry Pollexfen and Sr. Peyton Ventris, Sr. Creswel Levins and Sr. Edw. Lutwich, Thom. Rymer, Knightly D'Anvere &c. To these Law-Standards might be added, Ld. Parker (whose Grandeur of Soul with it's Native Rays illustrate's both Law and Nation) Mr. Just. Prat, Mr. Bar. Fortescue, and other Law-Patriots, at least for Paterns in their Legal Conduct, tho' none of their Law-Collect. be as yet publish'd.

The first Treasurer of Grays-Inne, as I find Registred, was one Will. Walsingham, An. 22. Henr. 8. tho' I read of one John Spelman, a Reader there, An. 5. Hen. 8. and Sr. Will. Dugdale, in his Origines Juridiciales, acquaint's us out of a certain Register of that honourable Society, that 'twas order'd there by the Ancients and Fellows of that House at a Pension held 24. Januar. 12. Elizab. that upon Days not appointed for Moots, it should be lawful for the Utter-Barristers to keep

Bolts, and when they shall sit, the other Students or Inner-Barristers were oblig'd to put Cases &c. As some of the Gentlemen of Grays-Inn were the first that appear'd for the Reformation, as well as in publishing Law-Collections, so they were the most numerous and most voluminous Law-Writers, at least for Quantity, tho' perchance not for Quality: viz. Sim. Fish, Sim. Theloal and John Kitchin, Abr. Fraunce, W. Fulbeck and Nich. Fuller, Sr. Henry Finch and Thomas Ash, John Allen and John March, Will. Leonard and Justice Godbolt, Sr. Henry Yelverton and Sr. Humphrey Davenport, Sr. Thomas Ireland and David Jenkins, Edmund Wingate and John Hern, William Shepard and Will. Hughes, John Stone and Rice Vaughan, Joseph Keble and Rob. Callis, Rob. Derham and Henry Fleetwood, Sr. Th. Hardress and Sr. Richard Hutton, Sr. Thom. Hetley and Sr. Rob. Heath, Sr. John Brograve and G. Billingham, Sr. Will. Scrogs, Sam. Blackerby and Jam. Cornwall, Bolton and J. Bond, W. Cook, J. A. and G. F. John Trye and Henry Boulton, besides a great many more, of whose Names or Writings I may never have heard of, or at least forgot. To say nothing of Sr. Will. Williams and Serjeant Agar, famous for drawing of Special Pleas and Declarations: tho' the last was puzzl'd in drawing a Declaration (towards the latter End of King William's Reign) for Money, due from a Member of that House for his Commons or some other Society-Duties; but, as I take it, his 3d or 4th Declaration did hold pretty well after several Amendments, so at least as to bring that sturdy Member to Accommodation, by the Advice and Rule of that incomparable Ld. Ch. Just. Sr. John Holt, who was the late and last Glory of that Honourable Society of Grays-Inn, who can never be pray'd enough, (1) for his unshaken and unexceptionable Uprightness and Justice, (2) for his Baffling in a great Measure, the precarious Attempts made upon the Law-Judicature (by Chanc. Geffreys, Sr. W. W. and others in King Jam's Reign) Cunctando restituens rem, (3) for banishing of Billingsgate from the Bar, after the Revolution, by and with the vigorous Concurrence of Sr. H. Pollexfen, Sr. Geor. Treby, Sr. Edw. Ward & L. Sommers: for in the two precedent

dent Reigns, *Noise* and *Banter* had so obtain'd in Westminster-Hall, and at most Tryals in Town and Country, that to go then to hear Bar-Motions or Law-Causes, was oftentimes as diverting as to be at Cock-fighting or Bear-baiting: Those scandalous Bar-Plays or Law-Comedies were chiefly carry'd on and transacted by 3 or 4 Serjeants of Stentorian Voices, viz. *Geoffreys*, *T—n*, *Sr. W. W.* and *D—l*: whereof the last could scarce ever quite leave off his old *Antiquum obtinet*, of Bar-baiting and of finding out all his Opposits, to have been either Fools or Knaves or both; tho' he was sure to be reprimanded by *Sr. J. H.* with a, *Sit down Brother*; and he as often attoned for his Relapse with, *I submit my Lord, I have done my Lord*, and so forth: (4) *Sr. John Holt*, is ever praise worthy for standing upon his Guard, not only from being made a Law-Court-Tool in *K. James 2d's* Reign, but also for standing upon the Prerogative of his high Station afterwards, so as not to yeild himself to be accountable to a superior Court for his Judgment, given in his Tribunal upon a Patent of Peerage, claiming Privilege to be try'd in the highest Court, from whence the Person claiming under it had been sent down to be try'd for Murder, not allowing the said Patent good for him (by reason of some Doubts about his Birth) tho' good and authentick for his late Father in Debate, which our brave *Ld. Ch. Just. Holt* held as a good Bar from being decided, at least as to that Preliminary, below: tho' two of his Favorit-Counsel being interrogated in the Upper House, gave their Opinions to the contrary, viz. that the noble Person so sent down might be try'd below, as to his Charge of Murder upon a Duel, notwithstanding his Claime to Peerage was only determinable upon a full Hearing above, or to that Effect. But those two Gentlemen were sufficiently reprimanded for their Ingratitude as well as Pusillanimity: And then another young Barrister was call'd upon ever after, *to move* first at the Bar, and was so well instructed in the practical Part of a Counsellor, and further back'd by other great Interest, that he was train'd up to run through the two great Places next to

the Bench, and generally a Member of the Lower House, a seldom-failing Step to Law-Preferment as well as to Court-Places of Trust and Profit: yet that Puinee Favourite *Maugre* all his lucky Training up, dwindl'd at last to a Puinee B—n, as if all his Knowledge of the Law-Stations, which he had run through, had not been worth *three Straws*: or else his Modesty prevail'd over his Parts: tho' some of a less candid Judgment, seem'd to be of that wrong and meanest Opinion of him, as if *non aliter valuit, fastu in stuporem verso*. However, as to the Honourable Society of Grays-Inn, it has produc'd a great many bright Ornaments of the Nation as well as of the Law, as has been sufficiently demonstrated already by an undeniable Induction: at the Head whereof there should have been first plac'd the famous Lawyers, *Sr. Anthony Fitzherbert* and *Sr. Will. Stamforde*, two eminent Law-Authors of the first starting Popish Race &c.

The 8 Inns of Chancery have likewise produc'd several able Clerks and Attorneys, who publish'd a great many useful Collections of the Practical Part of the Law: viz. *Will. Brown*, *George Meriton*, *John Layer*, *Will. Greenwood*, *John Wilkinson* of Bernards-Inn, *Giles Jacob*, *Robert Powel* of New Inn, *Mr. Milles*, *C. Vernon*, *Silas Taylor*, *Richard Kilburne* of Staple-Inn, *P. S. Richard Antrobus*, *Thomas Impey*, *Thomas Forster*, *T. Fidel* of Furnival's-Inn, *John Hansard* of Clement's-Inn, *J. C. Andrew Vidian*, *R. Aston* of Furnivals-Inn, *G. T. Henry Curson*, *Henry Clift* of Furnival's-Inn, *Nicholas Covert*, *John Read*, *W. S. John Clayton*, *R. G. George Townesend*, *Thomas Powel*, *John Lilly* of Clifford's-Inn, *A. G. William Philips*, *Thomas Madox*, *S. G.* with a great many more Anonymous Publishers of practical Law-Tracts: whereof some one or other invented that Dogrel Rhyme, reflecting upon some of the 4 great Inns of Court: viz. The Inner Temple for rich Men, the Middle for Poor, Lincoln's-Inn for Gentlemen, and Gray's-Inn for a W—re: yet for all that Sarcastical Pun (which is too common to be fix'd upon one Society only) both the Middle Temple and Grays-Inn have had some as great Men, and even Law-Writers,

as either of the t'other two: And now the ingenious Law-Writer, *Henry Bault*, and the Author of the *Caveat to the Whigs* with some others, are of the Honourable Society of Grays-Inn: as the Learned *W. Nelson* and *Will. Bobun*, are the present Law-Authors-Glory of the Middle Temple, and no ways inferior to K. D. and S. C. or any other Law-Collectors of the Inner Temple: And as to Lincoln's-Inn, it has no Law-Writing Author at present, tho' probably indeed the most Gentlemen of Estates; but the living *Quondam* Members of the Middle-Temple are in all Probability richer than any of the other Inns of Court, as may appear by their respective Names in the foregoing Lists; tho' there's one or two very rich former Associates of Lincoln's-Inn, who have their Chambers still there, for themselves or their Relations. But whether any of the other Inns of Court can produce four altogether as Learned Law-Authors, as *Sr. Edward Coke*, *Sr. George Croke*, *John Selden* and *Henry Rolle* of the Inner-Temple, is not so certain; tho' *Will. Lambard*, *Sr. Henry Spelman*, *Will. Prynne*, and *Sr. Matt. Hale* of Lincoln's-Inn, do come but very little behind them, in any Respect: no more than *Sr. James Dyer*, *Sr. Edm. Saunders*, *Edw. Leigh* and *Thomas Sinderfin* of the Middle-Temple: Neither be Chancellor *Bacon*, *Sr. Henry Telverton*, *Edmund Wingate* and *Joseph Keble*, of Gray's-Inn, much inferior to any of the foremention'd Quaternaries: And our four chief Civilians may come into the same Ring of Comparison, viz. *Sr. Thomas Ridley*, *Sr. Will. Dugdale*, *John Godolphin* and *Richard Zouch*: So likewise the respective Tesserons of our Irish and Scotch Lawyers, have an honourable Place in the same Paralel: viz. *Sr. John Davies*, *Sr. James Ware*, *Will. Ryley* and *Charles Molloy*: *Sr. John Skene*, *Sr. Th. Murray*, *Sr. Th. Craig*, and *Sr. George Makenzie*: In like Manner, the four principal Writers of our Inns of Chancery, or Attorneys and Clerks, are not to be excluded wholly from the Equivalency of the foremention'd Grandees of our respective Laws; viz. *Will. Brown*, *George Meriton*, *Giles Jacob* and *Henry*

Clift, whose new Book of Declarations, Pleadings, Verdicts, Judgments and Writs, *Sr. Charles Ingleby* Serjeant at Law, did not think it beneath him to digest and publish, and bear's the Price of 1 l. 3 s. Neither are the 4 last of the Popish Law-Race (*W. Stamford*, *R. Brook*, *Will. Rastab*, and *Edm. Plowden*), much inferior to any of the foresaid, to give the Devils their Due.

But it dos not well appear, to what Rank or House the following Prothonotaries or Clerks in their respective Courts, who have publish'd some Law-Collections, do properly belong to: viz. *Sr. Jam. Astrey*, *Sr. Thom. Robinson*, *Rich. Brownlow*, *John Goldshoroug*, *Moyle*, *Smythier*, *Styles*, *George Townsend* &c. Nor is it very apparent, to which of the Inns of Court the subsequent also Law-Writers do appertaine, viz. *Rob. Brook*, *Zachary Babington*, *Edw. Henden*, *Robert Mason*, *Walter Young*, *Henry Bathe*, *Edw. Bagshaw*, *T. G. Sr. Charles Ingleby*, *R. H. Serjeant Thorp*, *Mr. Hunt*, *Francis Whyte*, *Will. Totbyl*, *S. G. Edward Waterhouse*, *W. J. Pennyston Whaley*, *George Booth*, *Tychburn*, *Hesket*, *Trabern* &c. As also *Sr. Rob. Cotton*, *Sr. John Burroughs*, *Sr. John Pettus*, *Henry Scobel*, *Sr. Symonds D'Ewes*, *Haywood Townshend*, *Sr. T. F. Sr. Robert Filmer*, *Will. Gesson*, *A. Gulston*, *Brown Willis* &c.

Accordingly there might have been several Mistakes of that kind committed already, as to the exact Appointment of the Time and Place to the foremention'd respective Law-Authors, both ancient and modern: and particularly in the foregoing Papers, Num. 3. Col. 1. there's *G. Ferrers* plac'd to Grays-Inn, and *Sr. Rog. Manwood* to the Inner-Temple, where as both belong'd to Lincoln's-Inne, therefore the Clause of the Column, is to be corrected thus: *Sim. Fish*, *J. Kitchen*, *Sim. Theloal* and *W. Fulbeck*, all 4 Barristers of Grays Inn: -- *Geor. Ferrers*, *Th. Phayer*, *W. Lambard*, *Th. Owen* and *Sr. Roger* or *J. Manwood* of Lincoln's Inn, and great Antiquaries as well as practical Counsellors at Law: The next Set of Protestant Law-Writing-Converts from Popery were, *Sr. James Dyer*, *Rich. Crampton* and *Will. Fleetwood*, all three of the Middle-Temple.

The Lawyer's Post,

Nu. 11.

O R

An Exprefs to the Practitioners and Clients as well as to the Students and Professors of Law, Equity and good Conscience, both in and out of the Third University of England.

By the way of Doctor and Student, or Master and Disciple, or Apprentice en la Ley.

From the Author of *Athen. Britannica*, Vol. 1. p. 15, 20, 58, 68. 110. 116. 215. à p. 304. to 346. Vol. 2. pag. 38, 44, 47, 53, 61. à p. 1. to 25. and à p. 89. to 135. Vol. 3. &c. with other proper Law-References.

For the Diversion of some and Instruction of others.

WHAT other common Mistakes might there have been, in Affigning their Law-writing Members to the respective Inns of Court?

D. There were omitted, *Francis Tate, Will. and Rich. Martyn, Sr. Edw. Turner and Bulstrode Whitlock* (Nephew to *Sr. George Croke*,) all six of the Middle-Temple, and *John Hall* of Grays-Inn: as also, 'tis incertain, to what House these belong, viz. *Sr. Will. Berckley, Sr. Thom. Rives, Will. Burton, John Hoskins* and *Sr. Dudley Digges*, Master of the Rolles, and others. But 'tis very uncertain, or rather not known at all, to which of the Inns of Court, some other Original Protestant Law-Authors and Converts from Popery under *Queen Elizab.* did properly belong or were brought up in, viz. *Chancell. Hutton, Gregory Moosbook, Rob. Kellewey, Will. Dallyson* and *Will. Bendloe*. *Sr. Thom. Smith* was then our very first Forefather of our Reform'd Civil Lawyers, that had any of their Works printed, especially in their Life-Time. The like Uncertainty must be understood of some other of the foremention'd modern Law-Collections, viz. *Sr. William Scroggs, Sr. John and Orlando Bridgman, Sr. John Keiling, Sr. Tho. Raymand, Saunders, Pollexfen Ventriss*, and some others, whose Initial Inns of Court can't be so easily ascertain'd without at least a great

deal of Trouble of Enquiry amongst the haughty Lawyers or froward Residentiaries at the respective Inns of Court. However those incertain Reports, may serve for a better Enquiry, according to the standing Maxim of the Lawyers, *ad melius inquirendum; Quære ceo; & non constat*, which is always allow'd amongst the Learned as well as the Ignorant in the Law, and obtains upon the Bench as well as at the Bar, in Law-Cases of the highest Concern.

M. Which of our Law-Books were first publish'd in Print here in England?

D. *Statham's Abridgment* in a thin folio French, was printed per me *R. Pynson*, doubtless towards the Beginning of *K. Henry 8th's* Reign, without expressing the Year of Christ, or the Author, or the King. That Abridgment begins with *Accomte*, and end's with *Usury*, in the Nature of a Law-Dictionary, alphabetically: which Method has been ever since follow'd by *Fitzherbert, Brooke, Rolle, Sheppard* and *Hughes*. *Fitzherbert's Abridgment* begin's with *Abbe*, and end's with *Voucher*: 'twas printed in the Year 1516. in a thick fol. French, pr. 14 s. now, but formerly 25 s. and the quarto Edit. in French also, pr. 35 s. formerly, but now 16 s. *Statham's Abridgment* is even now rated at 20 s. tho' formerly 30 s. *Brooke's Abridgment* in French, was printed in 1573. 76. and

and 86. first in smal and large folio (pr. 25 s. formerly, but now 8 s.) and in 4to pr. 30 s. formerly, now 10 s. *Sheppard's Abridgment* was printed in 1656. in *English*, 3 Vol. pr. 20 s. now, but formerly 35 s. and his *Epitome* thereof in fol. pr. 14 s. now, before 20 s. *Hugh's Abridgment* was printed in 1660. and dedicated to both the (then) Lds. Ch. Justices and Ld. Ch. Baron, in 4to *English*, 3 Vol. pr. 18 s. now, but at first 3 l. *Rolle's Abridgment* was printed in 1668. in fol. *French*, pr. 50 s. formerly, now 2 l. 5 s. whereof about half is translated and improv'd by *d'Anvers* in fol. 2 Vol. pr. 50 s. publish'd respectively about the Years 1709. & 12.

Le Brevement de tous les Statutes Imprim. Lond. per Rob. Redman, usque ad An. 18. Reg. Henr. 8. that is, to the Year 1526. but *Magna Charta* and some other Statutes were edition'd before by *Fitzherbert* in the Year 1519. in 12. and in 1527. *Magna Charta* being then also translated into *Latin* by *George Ferrers*, Barrister of Lincoln's-Inn, who by a Mistake was put in Numb. 2. of these Papers, Col. 1. amongst those of Gray's Inn.

Register Cancellariæ sive Originalis, was publish'd by *Will. Rastal* in 1531. and by the Assignees of *J. More &c.* in 1634. and with Additions, in 1687. Pr. 22 s. *Le Grand Coustumier de Normandie*, Edit. à Rouen 1539. pr. 30 s.

Bretton, or, *Britton's Tract of the Law*, in *French*, printed by Rob. Redman in K. Henr. 8's Reign, and by *Edm. Wingate*, in 8. 1640. pr. 3 s.

The Long Quinto, or, 7th Volume of the Year-Books, or Law-Annals, being the Report of Cases, adjudg'd in the fifth Year of *Edw. 4th*, printed in the Year 1552 and 1587.

Robert Glanvil's Tract of the Laws and Customs of England, in *Latin* in fol. printed in the Year 1557. 8vo, by *Rich. Tottel*, and in 8vo 1604. pr. 2 s. 6 d. *Institutions or Principal Grounds of the Laws and Statutes of England*, edition'd also by the same *Tottel*, much about the same Time, pr. 1 s. in 8vo.

Sr. Will. Staunford of Gray's-Inn's Pleas of the Crown, printed in 1557. qu. and *Staunford's Prerogativa Regis*, Edit. Lond. 1590. and 1567. and 68. in 4to.

The first Volum of the Year-Books, containing the Reports of Cases in the first ten Years of King *Edward* the 3d, printed in

1596. and 1562. in fol. *French*.

The Annals or Reports of the Reign of *Edward* the 4th, printed in fol. *French*, in the Year 1599. the 6th Volum of the Annals.

A Book of *Presidentes* exactly written, in manner of a Register, neatly corrected, with Additions, to learn the Form and Manner how to make all manner of Evidences and Instruments: with an Almanak for 17 Years. Imprinted at London in Fleet-street within Temple-Bar, at the Sign of the Hand and Starr, by *Rich. Tottel*, An. 1559. By *Thomas Phayer* of Lincoln's-Inn; tho' his Name is not to it, no more than *Statbam* or *Fitzherbert's* Names to their respective Abridgments: which was the Method of those Times, as likewise to omit the Year of the Impression as we have seen already in *Statbam's Abridgment &c.*

Bracton's Tractise of the Laws and Custom's of England, in fol. *Latin*, Edit. by *Rich. Tottel*, 1569. and in 4to 1640. pr. 18 s.

The 5th Volum of the Year-Books, containing the Reports of Cases of Law, in the Reign of *Henry* the 4th and *Henry* 5th, printed in fol. *French*, 1562. 63. 70. 75. and 1605.

The 9th Volume of the Annals, being the 2d Part of *Henry* the 6th, containing the Reports of Cases of Law, in the 21st Year of that Reign, and afterwards, printed in fol. *French*, 1567. and 1601.

Natura Brevium Vetus, printed by *Rich. Tottel*, in 8vo *French*, 1572. and 1584. pr. 1 s. 6 d. and *Anthony Fitzherbert's, La Novel Natura Brevium*, was printed in 8vo 1534. and 1598.

One of the first Protestant Law-Authors, was that Learned old Brittain *Theloal*, Native of *Denbighshire* and Barrister of Gray's-Inn, as I take it, who publish'd his Digest of Original Writs, in 8vo *French*, in the Years 1579. by *Rich. Tottel*: viz. next to *Fish*, *Ferrers*, *Phayer* and *Will. Lambard*, whose *Archaionomia* was printed in the Year 1568. I mean that Learned Welsh Original Counsellor *Simon Theloal*.

John Kitchen of Gray's-Inn's Jurisdictions, or the Lawful Authority of Courts-Leet, Courts Baron, Court of the Marchal-Sea, Court of Pypowder, or ancient Demesne: together with the most necessary Learning of Tenures, and all their Incidents of Effoins, Imparlanes, View, Pleadings, Contracts, Actions

Actions and Maintenance, in 8vo. French, Lond. 1580. and in English, with *Brevia Selecta*, in 8vo, 1602. and 1663. pr. 6 s. *Le Courte Leete & Court Baron, avec diverse Novel Additions*, in 8vo Lond. 1598. pr. 3 s. 6 d.

L'Autorite & Jurisdiction des Courts de la Reyne, by Rich. Crompton of the Middle Temple, in 4to French, Lond. 1594. price 2 s. 6 d. *Fitzherbert's l'Office & Auctoritee de Justices de Peace, abrege per Rich. Crompton*, in 4. Lond. 1587. & *l'Office de Viconts, Bailifs, Escheators, Coroners, Presidents de Indictaments*, in 4. Lond. 1587. Both together also printed in 4. Lond. 1617. pr. 2 s. 6 d. *Star-Chamber-Cases*, out of Mr. Crompton's Jurisdiction of Courts, in 4to Lond. 1630. pr. 8 d.

The 2d Part or Volum of *Edw.* the 3d, beginning with the 17th and ending the 39th Year of his Reign, in French, in fol. Lond. 1585. 1600. and the 3d Part or Volum of the same Reign, call'd *Quadragesims*, beginning the 4th and ending the 50th of *Edward* the 3d in fol. French, Lond. 1600.

The Year-Book of *Henry* the 6th, Part the 1st and Volum the 8th, containing the first 20 Years of his Reign, Edit. London in fol. French, 1587. and 1609.

The Book of *Affizes* and *Pleas* of the Crown, under King *Edward* 3d, being the 4th Volume of the Year-Books, printed in 1606. in fol. French.

The 10th Year-Book or Volume, containing the Collection of Cases, adjudg'd in the Reigns of *Edward* 5. *Richard* 3. *Henr.* 7. and from the 12th to the 27th of *Hen.* 8. printed in fol. French, 1619. 1620.

Those ten Volumes of the Year-Books or Law-Annals, were afterwards printed altogether at the same Time, in fol. French, Lond. 1679. and are sold for 4l. 10s. or thereabouts.

Collection or old Book of Entries, containing the Forms of Declarations, Pleas, Writs &c. London, in 1564. and 1596. in Latin, pr. 1l. 4s. tho' formerly 30s. *Grounds of the Laws and Statutes in England*, Edit. London in 8vo 1604. price 1 s. mention'd before.

Sr. *Ralph de Hengham's* two Sums, call'd *Hengham Magna* and *Hengham Parva*, Chief Justice to *Edward* 1st, printed at London in 8vo 1616. together with Sr. *John Fortescue's* Tract, *de Laudibus Legum Angliæ*, Chan-

cellor to King *Hen.* 6th with Notes, on both *Hengham* and *Fortescue*, price 5 s. *Fleta*, or, a Commentary upon the English Law, in Latin, with Mr. *Selden's* Dissertation in 4to Edit. Lond. 1645. pr. 10 s. formerly, but now 6 s. 2 Editions. *Andrew Horne's Miroir des Justices*, in 8vo French, printed in the Year 1642. Pr. 2 s. and in English, with a Treatise call'd the Diversity of Courts, with their Jurisdiction, in 12. 1647. Pr. 2 s.

Treatises concerning the Manner of Keeping of Courts Baron and Leet: *Et Modus Tenendi Hundredum &c. Returna Brevium, Charta Feodi*, and Ordinances for the Fees in the Exchequer: Printed altogether, at London by *Robert Totthil* 1559.

John Perkins's Additions to *Littleton's* Tenures, Printed in the Year 1609. in 8vo. *Ockham's* Book of Tenures (mention'd by *Coke* upon *Littleton*, fol. 13. a) is probably the same with an old MS. upon the same Subject of Tenures, still extant in *Lincoln's-Inne* Library &c.

Sr. *Roger*, or *John Manwood's* Tract of the *Forrest-Laws*, was printed the 2d Time, in 1615. the 3d Edition is sold for 16 s.

Reports of certain select Cases sub *Hen.* 7. and 8. out of the Books of *Rob. Kellewey* Esq; not express'd in the former Impressions of Term-Reports of those Kings, publish'd in 44. *Elizab.* Also Reports of certain Cases, by the Rev. Judge *Will. Dallyson*, and *Will. Bendloe* Serjeant at Law, in the Time of the said Queen, containing the Construction of certain Statutes according to Equity; printed in fol. French, 1602. and twice afterward, whereof the 3d Edition is sold at 12 s.

The Reports of *Will. Bendloe*, Serjeant at Law, of divers Pleadings and Cases in the Court of Common Pleas, in the Reigns of King *Hen.* 7 and 8. *Edw.* 6. *Phil.* and *Mary*, and *Elizab.* To which is added the Reports of *Will. Dalison*, one of the Judges of the King's Bench, &c. of select Cases in the Law, adjudg'd and resolv'd in the Reigns of the renown'd Kings, *James* and *Charles* the 1st, in fol. French, Pr. 12 s. formerly, but now 7 s.

Reports of Sr. *John Bridgman*, Serjeant at Law, sometime Chief Justice of *Chester*, in the Time of K. *James* 1st, in fol. 1659. Pr.

115. Real Actions, and of the Jurisdiction of the Court of the County Palatin of Chester, and of the Antiquity of some Families, by George Booth Esq; in fol. Pr. 6 s. *Tichburn's Camera Stellata*, in a thin folio &c.

Of the Legality of Royal Pourveyance or Preemption, by Fabian Philips, in 4to, Lond. 1662. *Regale necessarium*, or, the Legality of the Rights and Privileges of the King's Servants, by Fabian Philips, in 4to, Lond. 1671. *Decus & Tutamen*, or, a Prospect of the Laws of England, purposely fram'd for the Safeguard of the King's Majesty, his Sacred Person, Crown and Dignity, against all traitorous Speeches, Designs and Conspiracies: with peculiar Notes upon the Judgment of High Treason: fit for all his Majesties Subjects to be acquainted withall, by John Bridal of Lincoln's-Inn Esq; in 8vo Pr. 1 s. 6 d.

The Laws and Customs of Scotland, in Matters Criminal, by Sr. George Makenzie of Lesebough: at Edinburgh in 4to 1678. Sr. Thomas Craig, *De Feudis &c.*

Rights of the Kingdom, or, Customs of our Ancestors, in 4to Lond. 1682. The Freeholders grand Inquest, concerning King and Parliaments, or the Original of Government, by Sr. Robert Filmer, in 8vo Lond. 1680. The Constitution of Parliaments in England, deduc'd from King Edw. 2d, Illustrated by K. Charles 2d in his Parliament, summon'd the 18th of Febr. 1660 - 1. and dissolv'd the 24th of Januar. 1668 - 9. observ'd by Sr. John Pettus of Suffolk Knight, in 8vo, Pr. 3 s. Nic. Cragius, *de Republica Lacedaemoniorum*, Edit. Sam. 1592. Weingartensis, *de Guelfis Principibus, & Chronicon*, Edit. Fogul. 1601.

Eberhardus à Waibe, *Disceptatio, utrius Regni melior conditio sit; illiusve cujus Rex nascatur, an ejus cui eligatur*. Cassel 1602. in 8vo. Justinian the Emperor defended against Cardinal Baronius, by Richard Crakenthorp, Lond. 1616.

The Survey of Cornwall and the Scannery-Court, Edit. Lond. 1602. in 4to, by Richard Carew of the Middle-Temple, who was born at Est-Anthony in Cornwall, and study'd at Ch.

Ch. and Broadgate-Hall in Oxon, and in the College of Antiquaries: He writ also, The true and ready Way to learn the Latin Tongue, publish'd afterwards by Samuel Hartub, a Dutchman in London, 1654. Carew dy'd in 1620.

The Excellency and Preheminence of the Law of England, above all other Human Laws in the World; asserted in a Learned Reading upon the Statute of 25 Hen. 8. c. 6. concerning Tryals by Jury of twelve Men, & *Tales de Circumstantibus*; by Thomas Williams of the Inter-Temple, Esq; sometime Speaker of the House of Commons, from the 5th to the 8th of Queen Elizabeth, when he dy'd; but Richard Onslow Esq; being the Queen's Solicitor and Member of the House of Commons, having had a Writ to attend in the Upper-House, at the Request of the Commons, was sent unto them, and they chose him their Speaker, but so as the House was divided upon the Question. To Williams's excellent Tract is added Mr. Rusden's Reading upon the Statute of 21 Hen. 8. cap. 19. of Avowries: and Judge Hale's Opinion in some select Cases: And certain Cases which have been formerly mooted by the Society of Gray's-Inn, in 8vo, all for 2 s. Here is Mention made of the famous Parliament, summon'd in the sixth of Hen. 4th call'd *Parliamentum Indoctorum*, because in the Writ of Summons there was a Clause that no Lawyer should be chosen. In that Parliament Sr. John Cheyney was chosen Speaker (as he had been in the 1 Hen. 4th) who is styl'd in the Roll not only *Parlour*, but also *Procurator de las Commons*, and is the first that is recorded to have made the general Request, that the Commons might enjoy their ancient Privileges and Liberties; and that he might have Liberty to amend any Mistake in that which he should deliver from the Commons &c. That Parliament *Indoctorum*, without any Lawyers in it, lasted but one Session. &c.

The Continuation of this in the next Paper.

LONDON, Printed for MYLES DAVIES, the Author of this and *Atb. Britannicae*, In 3 Volumes, at the Corner of Little Queen-Street Holbourn.

The Lawyer's Post,

Nu. 12.

O R

An Express to the Practitioners and Clients as well as to the Students and Professors of Law, Equity and good Conscience, both in and out of the Third University of *England*.

By the way of Doctor and Student, or Master and Disciple, or Apprentice en la Ley.

From the Author of *Athen. Britannica*, Vol. 1. p. 15, 20, 58, 68, 110, 116, 215. à p. 304. to 346. Vol. 2. pag. 38, 44, 47, 53, 61. à p. 1. to 25. and à p. 89. to 135. Vol. 3. &c. with other proper Law-References.

For the Diversion of some and Instruction of others.

M.  H A T was enacted in the Parliament *Indoctorum*, without e'er a Lawyer in it?

D. Therein was enacted only, that immediatly after Sheriffs, Escheators Aulnegers, Customers, Controlers, and other the King's Officers, shall have accounted in the Exchequer, Commissions shall be sent down to enquire of those their Accompts, and if Fraud shall be found therein, they shall incur the Penalty of treble Damages to the King, and shall suffer Imprisonment, not to be enlarg'd untill they have made Fine at the Discretion of the Judges, cap. 3. See 52 Hen. 3. and 13 Edw. 1. and 2, 3, 4, 5, 6. Will. and Mar. and 7, 8, 9, 10, 11, 12, 12, 13, Will. 3. and 1, 2, 3, 4, 5, 6, 9, *Anna* &c. The 10th other Act of the *Parliamentum Indoctorum*, 6 Hen. 4. was that the Clause of the Statute of 5 Hen. 4. 9. injoining Merchants Strangers, to sell their Commodities within a Quarter of a Year next after their Arrival, is repeal'd, saving the Liberties of *London*: And that Merchants Strangers shall not export any Marchandize imported by Merchants Strangers. See 1, 2, 3, 4, 5, 6, Will. and Mar. 7, 8, 9, 10, 11, 12, Will. 3. and 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, *Anna*: and 1. *Georgii*.

London's Liberty, or, a Learned Argument of Law and Reason, in the Year 1650. It

came out afterwards with this Title, *London's Liberties*, or, the Opinions of those great Lawyers, Ld. Ch. Just. *Hale*, Mr. Justice *Wild* and Mr. Serjeant *Maynard*, about the Election of Mayor, Sheriffs, Alderman and Common Council-Men of *London*, and concerning their Charter, Edit. *Lond.* in fol. 1682. at which Time the Press was at Liberty, without Controle. 'Tis still further remarkable, that the great Sr. *Matt. Hale* never permitted any of his Law-Writings to be publish'd in his Life-Time, unless it was the Tryal of Witches, held before him at the Assizes at *Bury St. Edmunds*, on the 10th of March 1664. tho' I think it was not printed till long after his Death, viz. in 8vo *Lond.* 1682. in four Sheets: No more than the Tryal of *Robert Hawkins*, Minister of *Chilton*, held and acquitted (from the Conspiracy of some Fanatics against his Life) before Sr. *Matthew Hale*, then Chief Baron of the Exchequer; which was not printed, as I take it, before 1685. in fol. in ten Sheets. Neither was his, Sheriffs Accompts printed before 1683. in 8vo, nor his, Provision for the Poor, before the same Year, in 12. Nor even was his famous Law-Tract of the Pleas of the Crown printed till 1678. in 8vo, (and 1685.) that is, 2 Years, the soonest, after his Death, which happen'd on Christmas-Day 25. Decemb. 1676. ag'd

67. and bury'd on the 4th of January following, with a Funeral Sermon, on *Isay* 57, 1. by *Evan Griffith* Minister of *Alderley*; Whence evidently appears the Vanity of the fond Notion of the late Dr. *Burnet*, in the Life of the said Sr. *Matthew Hale*, that he had hid his *Pleas of the Crown*, in the Wainscot of his Chambers, during all the while he writ and acted as Judge under *Cromwells* Government: where as he having been bred under that rigid Puritan *Stanaton*, in the Country, and afterwards at *Oxford* in *Magdalen Hall* under that severe Zealot *Obediah Sedgwick*, was doubtless a sincere Encourager of the reforming Superstition of those Times, without any mental Reservation or material Prolocution, and not as that Biographer represents him equivocating with Oaths for the Prospect of future Good: Besides, there was no Occasion of hiding those *Pleas of the Crown*; which might agree with all Governments and Governors as well as with Kings and Monarchs; for, what is Treason against a King or Monarch, the same Crime is upon the same Footing against any supreme Governor, or Government: and therefore all sorts of Crimes, Misdemeanours and Felonies, are call'd *Pleas of the Crown*, as being against the supreme Government, whether Monarchical or Republican: wherefore Judge *Hale* had no need to fear *Oliver's* Displeasure for the Writing of such a Law-Tract, much less had he any need to hide it so cautiously in the Wainscot, as if it were writ against that Government, and on set Purpose, to bring in K. *Charles* 2d: for *Oliver*, without any Danger to himself, or Government might have made use himself of that ingenious Scheme of the Laws of the Criminal or Crown-side; especially since *Hale's Pleas of the Crown*, is rather a Table of Sins under the two Tables of the Law, in the nature of a Genealogical Table, to shew as it were at one View, how publick Crimes and Felonies stand related one to, or from another, as to their several Degrees of Tendency Malice or Hurtfulness and Obnoxiousness to their respectful legal or condign Punishment: Which Map of publick Crimes and Misdemeanors, by the way of a Legal Confession

of Sins, was compos'd by Judge *Hale*, probably for his own private Use only as an Index or Help to his Memory, which he call's himself, a methodical Summary of the principal Matters relating to that Subject of Legal Indictments, Crimes and Punishment; which he had an Occasion to be well read in both as Lawyer and Judge, at the frequent Commissions of Oyer and Terminer, or Goaldelivery, both before and after the Restoration, but scarce ever design'd such a bare Skeleton of a Scheme of Penal Laws and Tryals, for the Print, as he did those Tracts which he publish'd in his Life-time; viz. *Hale's Essay on the Gravitation or Non-Gravitation of fluid Bodies*, and the Reasons thereof, in 8vo 1674. *Difficiles Nugæ*, or Observations on the Torricellian Experiments, in 8vo 1674. Contemplations, Moral and Divine, Directions, touching and keeping the Lord's-Day; Poems on Christmas-day; all three printed together in 8vo 1676. The most knowing and observing Men had a better Esteem of Judge *Hale*, before his Life came out by *Burnet*, in 8vo 1682. or in the Additional Notes to the same Life, by *Rich. Baxter*, in 8vo 1682. says Mr. *Wood* in *Atb. Oxon.* Vol. 2. col. 427.

However, as our great Sr. *Matt. Hale*, observ'd in his excellent Preface to his Brother in Law Judge *Rolle's* Abridgment, that the sayd L. C. Just. *Rolle* had omitted the *Pleas of the Crown* or Criminal Side, and therefore perchance Judge *Hale* intending to make that excellent Abridgment of the Law compleat, he fram'd his *Pleas of the Crown*; which nevertheless having been only Schematically drawn for his own use, he did not think proper to publish in his Life-time, tho' a Masterpiece in it's kind, and far more comprehensive, tho' not so argumentative as the Performance with the same Title, preceded before by the Popish Judge *Stamford*. But as to the Comprehension-Character of that admirable Ld. Ch. Just. *Hale*, none could draw it with a more full Analogy than he did himself in his Translation of the Life and Conduct of that wise Heathen *Pomponius Atticus*, out of *Plutarch* and other ancient Authors, which yet he did not publish, as I take it, in his Life-time.

time. It's true, that moral Genteel Heathen happen'd to live in the like State-Turbulency and Alteration of the Constitution of the Roman Commonwealth, and yet carry'd his Dish so upright during all that Civil War, that he was belov'd and caress'd by all Parties: tho' his real Inclination was for the ancient Republication Constitution of that State, yet he was intimate with *Cæsar* as well as *Pompey*; he was great with *Marc Anthony*, as well as *Tully*, and being very rich and wealthy, he help'd and solac'd those that were in Distress on all Sides: he gave himself as much as ever he could to a sedate Philosophick Life, and particularly cherish'd all those of every Side that had the like peaceful Inclinations, not without a continual Compleasance and Conformity to the prevalent Party, yet not without perpetual Supply's of Help and Comfort to the Oppress'd and the Unfortunate, as far as his prodigious Wealth and Wisdom could any ways reach; and at last surviv'd to complement and applaud *Augustus's* Succession to the Imperial Throne, who reciprocally imparted to him all the Esteem and Honour as his Wisdom was willing to receive, or *Augustus's* excellent Temper and Empire were able to bestow: But all this while, honest *Pomponius Atticus* was only passively obedient and peaceably conformable to all those Turns and Alterations of State-Constitution; whereas *Judge Hale*, *Rolle* and *Selden*, were actively obedient and accepted of Places of Trust and Profit under all Parties, or at least under the worst, even according to their own suppos'd Sentiments, for want of a better Opportunity, and even with the Superincumbency of the different suitable Oaths and Engagements, which *Pomponius Atticus* kept himself clear of in his Moral way. Yet no body of any Note ever doubted of the Honesty and Uprightness of *Hale*, *Rolle* or *Selden*: nay, Chancellor *Clarendon* in his admirable History assure's us, that *K. Charles I.*, with all the Royal Party were so convinc'd of *Selden's* not only Honesty but also Loyalty, that even whilst he was haranguing in the Lower-House for to tear the *Militia* from the Royal Prerogative, the King seem'd resolv'd

to invite *Selden* to accept of the Seal, and none of the Royal Party doubted of *Selden's* Inclination and Willingness to serve the King in that or any thing else. What shall one say? Some make no Scruple to apply here the vulgar Saying, that some may better steal the Horse than others look over the Gate: Some likewise pretend to confirm the Calvinistical Doctrine of the Inamissibility of Grace as well as of the Favour of Men, inseparably annex'd to some great predetermined Souls, out of those and such like Revolution-Proof-Instruments. The same in a great Measure may be sayd of *ABp. Usher*, *Bp. Brownrig*, *Bp. Saunderson*, *Bp. Gauden*, and other great Pillars of our Clerical Constitution; who were more than passively complying, under those Anarchical Confusions: Yet, whatever they would say or do, was always favourably accepted by all Parties; as is admirably well descanted upon by *Bp. Saunderson* himself in his Preface to our great *ArchBp. Usher's* Tract of the Subject's Obedience, Edit. 2d 1683. If some Men I could name (say's *Bp. Saunderson* *ibid.*) should write with the Pen and Art of Men and Angels, their Writings would be slighted and thrown aside, decry'd and condemn'd all with a Breath, without the Reading of any more than the bare Title-Page: Of so much greater Force are Names than Things for the Heightening and Lessening the Authority of Men's Writings! &c. See more of such great Men's Inamissible Law-Orthodoxy and Loyalty as well as of those of Inamissible Gospel-Orthodoxy in the foremention'd *Ld. Clarendon's* celebrated History, *passim*. Tho' it must be own'd, that the extraordinary Conduct of some extraordinary Men should not be wyredrawn into the common Practice of the Generality of People: For 'tis certain, that too many of those they call High-Church or Jacobites, Non-Jurors, Per-jurors and Malecontents of all sorts, have occasionally made but very bad Use of that twisting and twining Complaisance of such great Men in extraordinary, who are rather to be admir'd than to be imitated by a miscellany-Herd, as being inimitable Examples or Exceptions from the general Rule of amissable and receive-

coverable Orthodoxy and Loyalty, which should pretend to no extraordinary Call, to speak much less to act Paradoxes at the Expence of the Religion of Oaths, which are neither to be dispenc'd nor play'd with all, nor to be alter'd but by the *Whole* and for the unavoydable Necessity of the Self-preservation of the *Whole*. We may conclude therefore upon the *Whole* with the ingenious Mr. *Talents* in his History of Schism, that we should not censure all great Men that have been engag'd in a publick Combustion, without being sing'd or scorch'd, or at least without being burnt, that is, without loosing their Uprightness and Honesty or Integrity: The same Learned Mr. *Talents* makes it appear with more than an ordinary Talent, that in most of the earliest Christian Centuries some of the most eminent Professors of Christianity have been engag'd in occasional Schisms and Party-Factions even with the utmost Danger and Disaster to Church and State of their respective Countries, yet were always commiserated and held in great Esteem, as being suppos'd still to have ever retain'd their uncommon Gift of Inamissable Grace before God and Man. But such like providential Salamanders (uncommonly preserv'd with their struggling Integrity in the midst of their active Participation of Anarchical Flames and Combustions) may be contemplated in Theory, but not presum'd upon in praxi or common Conduct, for the better Prevention of *Frauds* and *Perjuries*.

Therefore 'tis the safest Method in such publick Emergencies, for Divines, to imitate the Retreat as well as the Sincerity of that unexceptionable Standard of Church-Orthodoxy, in Conduct as well as Sentiments, viz. Dr. *Hammond*, who rather than to tempt Providence, or to run into Temptations, or to scandalize the weaker sort, or to rely on his own Strength, chose to withdraw into the secret Grove of his own Heart, then to the Golden Grove of the *Packingtons* at *Westwood* in *Worcestershire* (as Dr. *Taylor* retir'd to the real Golden Grove of the *Vaughans* in *Caermarthenshire*, but at last had a

mind to be a *Saul* amongst the Prophets, as appear'd by his well intention'd Book of the Liberty of Propheying) where Loyalists had the Opportunity to converse with Dr. *Taylor*, and sympathize with the unspotted *Hammond* in the like Christian Conduct of another Standard of Legal and Lay-Orthodoxy, viz. Sr. *John Vaughan*, who is the unexceptionable Pattern of Law-Uprightness, upon such Anarchical Emergencies, as Dr. *Hammond* is the unquestionable Phosphoros of our Clerical Integrity in those Times of Darknes.

That brave ancient *Brittain* and incomparable Lawyer, Sr. *Jo. Vaughan* was born at *Trowscoed* in *Cardiganshire*, and in process of time became Student and Barrister of the Inner-Temple, and was chose Burges for the Town of *Cardigan*, in 1640: but perceiving the fatal Tendency of those disastrous Times, soon retir'd to his foremention'd Seat and Country, till the restorative and healing Season of 1661. when he was chosen Knight of the Shire for the said County of *Cardigan*: and for his Loyal and Legal Services in 1668. May 23. he was made L.C. Just. of the Common Pleas, and continu'd so to the Year 1674. when he dy'd, and was bury'd in the Temple-Church. This great Law-Patern and Patriot was so inflexibly upright a Stickler for our ancient Legal Constitution, that he withstood the L.C. J. *Keyling*, with as much Resolution as Learning, when the t'other was introducing that Additional Innovation of putting that Clause of *Ac etiam Billæ*, to the mean Process-Writs of the King's Bench, whereby the Defendant should be held to special Bail and Mainprize upon an Action for 10 Pds. or upwards, without any (as pretended) of Precedent at least for common Practice, as well as without any manner of Precedent for such an Alteration of, in, and to the Crown's Writ, especially as to any Penal, or coercive Innovation, as that was taken to be upon the first Instance or mean Process, to hold to special Bail, in the Case of incertain Accompts, as all Book Debts are, till they be ascertain'd by Proof; and for that Reason there was an Act of Parliament made (13. c.2. Car.2.) a little before that Debate, that none should be held to special Bail for any Sum less than twenty or forty Pounds, unless the Cause of Action be express'd particularly &c.

The Lawyer's Post,

Nu. 13.

O R

An Express to the Practitioners and Clients as well as to the Students and Professors of Law, Equity and good Conscience, both in and out of the Third University of England.

By the way of Doctor and Student, or Master and Disciple, or Apprentice en la Ley.

From the Author of *Athen. Britannica*, Vol. 1. p. 15, 20, 58, 68, 110, 116, 215. à p. 304. to 346. Vol. 2. pag. 38, 44, 47, 53, 61. à p. 1. to 25. and à p. 89. to 135. Vol. 3. &c. with other proper Law-References.

For the Diversion of some and Instruction of others.

M.  H A T was the Sequel of that Debate between Sr. *John Keeling* Ld. Ch. Just. of the King's Bench, and Sr. *John Vaughan*, Ld. Ch. Just. of the Common Pleas?

D. Notwithstanding all that could be said, the resolute Sr. *John Keeling*, went on without any, if not too much, Feeling; tho' he was suppos'd to have been no great Kill-cow at the nice Parts of the Law. However, the old Practitioners of his Court, alledg'd first, as to holding to Bail, especially as to particular Emergencies, no body ever doubted, but that every Court, almost ever so inferior, could ascertain any discretionary Sum, for and upon which, Bail should be taken in particular Cases, even in common Actions of Trespafs, or Assault and Battery, or Replevin, or on the Case, according to the preliminary Evidence of respective Affidavits: Accordingly such Sums have always been us'd to be mark'd upon the Side, or in the Bottom of the Writ, as well as in the Sheriff's Warrant; as 'tis still practiz'd in the Exchequer upon their *Quo Minus*: But then as for adding that Bail-Clause to the Body of the Writ, the same *Keelinists* added further for the Necessity thereof: 1, because the King's Bench seldom or never proceeding by Original out of Chancery or the Curator's Office, there was nothing left to express Cause (as requir'd

by 13.c.2. *Car. 2.* to hold to Bail) or to warrant the Declaration but specifying the Cause and Nature of the Action of the Case in short, in the Writ, which there is to be taken by the way of an Original: (2) Otherwise, the Writ of a bare *Clausum Fregit*, or Trespafs, must of Course abate, when the Declaration aver's that Cause only and chiefly of Action to be upon an *Indebitatus sumpsit*: (3) Otherwise all the Actions upon the Case in that Court, would be liable to real Writs of Error, allowable in fact upon the Assigning of that Error, of the Variance between the Original Writ and the Declaration or Record, or Specialty: (4) If there be any Innovation in that Judicial Clause, *Ac etiam Billæ*, 'tis but a necessary and unavoidable Sequel of the Innovation, (which insensibly obtain'd for some considerable Time since) of stuffing Declarations upon Actions of the Case, with all sorts of different Pleas and Narr's or Natures of different Writs and Actions, as those of Account, Covenant, Debt, Trespafs &c. viz. *In simul computasset, supra se assumpsit, promisit solvere, Quantum meruit*, and innumerable other Narr's and occasional Heaps of cumulative Pleadings: which if they vary'd also from the Original Judicial Writ as well as from one another, there would be no End of Errors, Innovations, *Actions del Briefe, Plee al action, Demurrers &c.* (5) As in Actions on the Case, mur-

the Case sera contenu en le Briefe, so, that Clause of *Ac etiam Billæ* is as it were the Commencement of the Cause, Case or Narr', and consequently in all Clerkship the Beginning is suppos'd to specify and answer for the whole: (6) Besides, 'tis provided by the Statute, 19. Hen. 7. 9. that the like Process shall be had in Actions upon the Case su'd in the King's Bench or Common Pleas as in Actions of Trespass or Debt &c. And 23 Hen. 8. 14. 'tis also provided, that the like Process be had in every Writ of Annuity and Covenant, as in Debt &c. See *Fabian Philips's* ancient Legal, Fundamental and necessary Rights of Courts of Justice, in their Writs of *Capias* and Process of Outlawry; and the Illegality, many Mischiefs and Inconveniences, which may arrive to the People of *England*, by the Proposals tendred to his Majesty and the High Court of Parliament, for the Abolishing the old and better Way and Method of Justice, and the Establishing of a New, by peremptory Summons and Citations in Actions of Debt, in 4to Pr. 2 s.

To all this and a great Deal more to the same Purpose, brought by Sr. *J. Keyling's* old Practitioners, Sr. *J. Vaughan* with the Generality of Attorneys and Counsellors reply'd, the Question was not, about any Likeness or Parity or Conformity of Proceedings upon Writs or Actions, but whether Original or Judicial Writs could be innovated by any new Insertions into the standing Form, by Vertue of a Rule of Court; especially when such an additional Innovation in the Writ carry's along with it, in the Tail' ont, a Penal Sting, that seem's to squeeze the Immunity of the Subject: And that the next *Quære* was, whether the constitutionary Forms of Original or Judicial Writs, could or should be alter'd or innovated or impregnated with Powers to further Purposes, but by express Statute Law: As to the *Keylinists* Pretensions that such an additional Clause was absolute necessary for to invigorate that Judicial Writ with the special Cause of Action for to hold to special Bail, according to the sayd 13. c. 2. Car. 2 Stat. 2. as well as with the Nature of an Original for to back and warrant the Declaration and the whole Proceedings upon Record with a Le-

gal Uniformity from the first Complaint through all the Issues and Pleadings, the *Vaughanists* reply'd, that 'twas the Fault of the Practitioners themselves *de Banco Regis*, if they wanted such an additional Innovation, or, Renovation *del Briefe*, for to supply the Place of any such Original Warranty of the Record, since the King's Bench always had Philizer's of it's own, as well as the Common Pleas, for to file Originals, to proceed regularly upon, from and in the Cursitor's Office &c.

Nevertheless, what ever Alteration Sr. *John Keeling* made in his Writs, Sr. *J. Vaughan* could make none in Sr. *J. K.* who was prompt'd thereunto (as 'twas thought) by some of the cunning old Serjeant *Glanvil's* Schemes, tho' scarce any appear'd therein but Sr. *J. K.* himself, who stood so resolute to his Text, that Sr. *J. V.* could gain no Ground of him, tho' most of the Practitioners, seem'd inclin'd to Sr. *J. V.'s* Sentiments; only Sr. *Matt. Hale* Ld. C. Baron acted the Part of a prudent Moderator between them both, and kept Sr. *J. V.* from Appealing to Parliament; which Demarch would have cast a great Scandal upon the Restauration of the common Law in Westminster Hall, after the late Anarchy of precarious Justice. But Sr. *J. V.* could not be prevail'd upon to make use of the Law of Reprisals, by clapping the same special Bail-Clause of *Ac etiam* to the Writs of his Court, tho' his Successor Sr. *Francis North* us'd that Method to make an End of the Dispute, but Chancery kept him still close to the respective Originals out of the Cursitors Office, as definitively necessary to warrant the Declarations and other Record-Proceedings, from Error, assignable by an After-Process of a Writ of Error &c. But Sr. *Matt. Hale* succeeding Sr. *J. K.* as Ld. Ch. Just. of the Kings Bench, in 1671. continued his Predecessor's *Ac etiam* Billæ, tho' Sr. *J. V.* did not dye till 3 Years after. So the Court of the King's Bench has ever since preserv'd its Prerogative in that and all other Disputes with the Common Pleas (as of late, *de Retorna Brevium*) or any other Court whatsoever; as having had the good Fortune of being rul'd by Lords Chief Justices, the latter still surpassing

passing the former; tho' that successively-meliorating Course seem's now like to be for ever hereafter at a Stand; since the present *Ld.C. Justice, Ld. Parker*, is own'd of all Hands, as not surpassable by any Successor, either in Law or Learning, which seem's naturally (or rather supernaturally) born with him, and much less is he surpassable or even attainable in all Christian and Patriot's Grandeur of Soul, which for charitable Candour and Heroick Generosity is for ever like to shine unrival'd, and never to be outdone by any of the Law-Bench or Quality-Robe.

However, as to *Sr. J. Keyling* and *Sr. J. Vaughan*, both their Debate, Case and Arguments are so entirely dropt, that there is scarce remaining now in Print any Footsteps thereof, nor the least mention of any thing about any such Case in either of their Reports since publish'd: tho' 'tis sayd, *Sr. J. V.* left a long Argument there upon in MS. but it was not thought fit by his Learned Son, *Edw. Vaughan Esq;*, to publish it amongst his Reports and Arguments, twice printed in folio in *English*, pr. 20s. tho' the first Edit. was sold at 15s. printed in 1677. *Sr. J. Keyling's* Report of divers Cases in Pleas of the Crown, in *K. Charl. 2d's* Reign; with Directions for Justices of the Peace: whereunto are added the Modern Cases of *Armstrong* and *Lisle*, the *King* and *Plummer*, the *Qu* and *Mangridge*; in fol. 1708 pr. 8s.

As to the exact Character of that brave old *Britain*, 'tis punctually the same for a Law-Patern of solid Learning and Integrity, with that of *Dr. Henry Hammond* for a Divine, as to the uncorrupted and uninterrupted Principles of the genuine Church of *England* and State of *Great Britain* as by Law and Gospel establish'd in these Realms; neither of them ever swerving in the least Appearance from the strictest Theory and Practice of a true-born *English* Lawyer and Divine. Yet as stiff a Church of *England-Man* and as great a Loyalist as *Sr. John Vaughan* was, he never could be brought to sacrifice his Integrity to serve the Turn of any Court-Torism, or make his Law or Religion stoop to the Lure of Party-Rage or Self-Avarice, or factious Ambition. See *Sr. John Vaughan's* Reports, Edit. in fol. *Lond.* 1677. particular-

ly from fol. 135. to 150. where he reports a modern Case of Tory-Prosecution under Pretence of Religious State-Conformity; The Case was this: One *Bushel* and others of a Jury, having at a Sessions at the old Baily in *London*, not found *W. Pen* and *W. Mead*, (two *Quakers* with others praying in the Street, in the Year 1670. Sept. 22. *Carl. 2.*) guilty of a Trespass, Contempt, unlawful Assembly and Tumult, whereof they had been indicted, were fin'd 40 l. a Man, and committed till they should pay it. *Bushel* brings his *Habeas Corpus*, and upon the Return it appear'd, he was committed — for that, contrary to Law, and against full and clear Evidence openly given in Court, and against the Directions of the Court in Matter of Law, they had acquitted the said *W. Pen* and *W. Mead*, to the great Obstruction of Justice &c. Which upon solemn Argument was by *Sr. John Vaughan* and 9 Judges more (only one Tory-Judge present, voting to the contrary, and Chief Baron *Turner*, then in an absent Neutrality) resolv'd, to be an insufficient Cause of fining and committing them; and they were accordingly discharg'd, and afterwards they brought Actions for their Damage--- for (fol. 140. *ibid.*) how manifest soever the Evidence was, if it were not manifest to them, and that they believ'd it such, it was not a finable Fault nor deserving Imprisonment: Upon which Difference the Law of punishing Jurors for false Verdicts, principally depends — I would know (fol. 141. *ibid.*) whether any thing be more common, than for two Men, Students, Barristers or Judges, to deduce contrary and opposit Conclusions out of the same Case in Law? And is there any Difference, that two Men should infer distinct Conclusions from the same Testimony? Is any thing more known than that the same Author and Place in that Author, is formally urg'd to warrant contrary Conclusions, and the Decision hard, which is in the Right? Is any thing more frequent in the Controversy of Religion, than to produce the same Texts for opposit Tenets? How then come's it to pass, that two Persons may not apprehend with Reason and Honesty, what a Witness or many say, to prove

prove in the understanding of one, plainly nothing, but in the Apprehension of the other, clearly the contrary thing? Must therefore one of these *Merit Fine* and *Imprisonment*, because he doth that which he cannot otherwise do, preserving his Oath and Integrity? And this is often the Case of the Judge and Jury. — fol. 148. to what is the Jury to be return'd out of the Vicinage, where the Cause of the Action ariseth? To what End must Hundredors be of the Jury, whom the Law supposeth to have nearer Knowledge of the *Fact*, than those of the Vicinage in general? To what End are they challeng'd so scrupulously to *Array* and *Pole*? To what End must they have a certain Freehold, and be *Probi* and *Legales Homines*, and not of Affinity with the Party concern'd? To what End must they have in many Cases the View, for exacter Information chiefly? To what End must they undergo the Punishment of the *Villanous* Judgment, if after all this, they implicitly must give a Verdict in the Dictates and Authority of another Man, under Pain of *Fine* and *Imprisonment*, when sworn to do it according to the best of their own Knowledge? &c.

Exactly of the same Time and much of the same Character with the foresayd Sr. Jo. Vaughan, was another Judge of *South-Wales*, viz. *David Jenkins*, Native of *Hensol* in the Parish of *Pendaylon* in *Glamorganshire*, Student of *St. Edmund's-Hall Oxon*, and Bencher of *Grays-Inn*, a good Lawyer, a better Christian and best Loyalist, for which he suffer'd very much, but surviv'd his Persecutors Usurpation, and could at last sing the *Simeon-Canticle*, *Nunc dimittis servum tuum*, with his *Cygnean Voice*, at *Swanzy* or *Cowbridge* in *Com. prædict.* where he dy'd the 3d Year after the Restoration of Royalty and Loyalty, 1663. His *Century of Reports* was printed in 1661. in fol. *French*, and has ever grown in Esteem as well as Price; for 'tis now sold and valu'd at 1*l.* 12*s.* tho' formerly but at 18*s.* His *Plea to the Earl of Manchester*, sitting in the Chancery, was printed in 1647. *Pacis*

Consultum; the Antiquity, Extent and Practice of several Country Corporation-Courts, especially the Court-Leet; with an Abstract of the Penal Statutes: Also some difficult Questions in Law, propos'd unto and resolv'd by Judge *Jenkins* in 8vo 1657. Pr. 1*s.* The Works of Judge *Jenkins* upon divers Statutes concerning the Liberty and Freedom of the Subject, in 12. Pr. 1*s.* Good Judge *Jenkins's* Life and Meditations &c. something Senior to those Learned Judges and Law-Patrons, *Jenkins* and *Vaughan* of *South-Wales*, was the above mention'd compleat Judge and Lawyer, Sr. *Will. Jones* of *North-Wales*: And Senior to them all, was also the beforemention'd Original Law-Brittain, *Simon Thelwall*, (one of the very first Law-Authors in the very Beginning of our Legal Reformation) Native of *Denbighshire*, of which County in *North-Wales*, is likewise our present only Ornament of the *Welsh* Law-Professors, viz. Mr. Baron *Price*, whose Eminency in all the Accomplishments of a well-bred Gentleman, a charitable Christian, a well-read Lawyer, a well-poyz'd Judge, and an unbyas'd Abettor of our entire Constitution in Church and State, is universally valu'd with a general Esteem of all that ever heard of him. See *Practica Walliæ*; or, the Proceedings in the great Sessions of *Wales*: containing the Method and Practice of an Attorney there, from an Original to the Execution: whereunto is added the old Statute of *Wales* at large, and the Abridgment of all the Statutes uniting *Wales* to *England*: by *Rice Vaughan*, late of *Grays-Inn Esq;*, in 12. Price 3*s.* 6*d.* Our great Ld. Ch Justice *Hale* in his Preface to *Rolle's* Abridgment observe's that King *Edward* the 1st our *English Justinian*, reduc'd the Laws of *Wales* unto a better Compendium, by the Help of a great Council or College of Learned Men; and that even now sometimes in the Grand-Sessions of *Wales* they proceed by the antiquated Writ, *Quod ei deforciat*, at least as to forme in a common Recovery &c.

The Continuation of this in the next Paper.

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Nu. 14.

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An Express to the Practitioners and Clients as well as to the Students and Professors of Law, Equity and good Conscience, both in and out of the Third University of *England*.

By the way of Doctor and Student, or Master and Disciple, or Apprentice en la Ley.

From the Author of *Athen. Britannica*, Vol. 1. p. 15, 20, 58, 68, 110, 116, 215. à p. 304. to 346. Vol. 2. pag. 38, 44, 47, 53, 61. à p. 1. to 25. and à p. 89. to 135. Vol. 3. &c. with other proper Law-References.

For the Diversion of some and Instruction of others.

M.  **HAT** other Paralels of great *British* and *English* Lawyers be there further producible as Patterns or Cautions?

D. Another old *Brittain* in Law, of the like unblemish'd Law - Pattern - Character with *Sr. John Vaughan*, was his Successor in the place of L.C. Just. in the Common Pleas, *Sr. Thomas Jones*, Son of a wealthy Clothier in *Shropshire*, whose Reports of divers special Cases in the Common Pleas and in the King's Bench, in the Reign of King *Char. the 2d*, were printed in fol. *French*, Pr. 14 s. Of the same Country and irreproachable Character was our ancient Judge *Owen*, one of the first Prototypal Set of our Original Law-Converts from Popery, as well as the foremention'd Senior old *Brittain Simon Theloal*, whose contemporary he was. That *Thomas Owen* was Son of *Richard Owen* Gentleman by *Mary* his Wife one of the Daughters and Coheirs of *Thomas Oatley* of *Shropshire*, was born at or near to *Condover* in that County, bred at *Broadgate's-Hall* or *Ch. Ch. Oxon.* then at *Lincoln's-Inn London*: where 23. *Elizabeth*, he was elected Lent-Reader in 1583. and in 1590. he was made the Queen's Serjeant, and soon after, one of the Justices of the Common Pleas, and as such continu'd, to the great Satisfaction of Prince and Subject, till his Death, which happen'd five Years af-

ter, on 21. Decemb. 1598. and was bury'd on the Southside of the Choire in *Westminster-Abbey*, with an Alabafter and Marble Monument, guilt Arms, and his Image at full Length in a decumbent or jacent Posture with his Head supported by a Cushion and top'd with a Judge's Cap, and his Body in Scarlet Robes of Judicature still to be seen in *Westminster Abby*, with the foremention'd Epitaphical Particulars engraven underneath his Image. His Son *Sr. Roger Owen* was Gentleman Commoner of *Ch. Ch. Oxon.* and stood up for the Clergy of *England* in open Parliament in 11 *Jacob. 1.* but dy'd mad and distracted 29. May 1617. being holy Thursday, as some of the Clergy gratefully observ'd. Judge *Owen's* Reports, wherein are many Cases, which reconcile and explaine the Differences in the Year-Books, in fol. *English*, Pr. 11 s. tho' formerly but 9 s. This good Reverend Judge *Owen* was a great Lover of all poor Scholars, and a great Encourager of all Protestant Converts, that turn'd from Popery, as himself with all the other Judges and Lawyers of his Time were, as well as the great Royal Convert herself with almost all the Kingdom, both Nobility, Gentry, Clergy and Commonalty, who had then just bravely and sincerely turn'd from Popery to be Protestants.

As *Sr. Jo. Vaughan* and *Dr. Hen. Hammond*, were

were both of the same unspotted Character in their different Spheres, so *Sr. John Keeling* and *Bp. Gauden* were much of the same Characteristick in their several Stations: for both so manag'd Anarchy and their future Interest, as to be prefer'd by the succeeding Monarchy, one to be the first Lord Ch. Just. of the King's Bench after the Restoration, and the other to be at the same Time Bp. of *Exeter*: and as one either edition'd or addition'd the King's Picture-writ, of *Εἰκὼν Βασιλική*, so the t'other addition'd the King's Judicial Writ with the Original of *Ac etiam Billæ*: both still for that Reason preserving a considerable Report in their different Hemispheres. So likewise the *Ld. Ch. Just. Rolle* and *Bp. Brownrig* waded through *Democracy* to that Depth, that carry'd them quite out of Sight by the violent Torrent of those Party-rage-Times; yet they still retain'd a secret and privat Interest in the close Esteem of most of their several Professions: and both, as the former Pair, dy'd much about the same Time, all intimate Friends and Acquaintance. *Ralph Brownrig* was Native of *Ipswich* in *Suffolk*, Fellow of *Pembrok-Hall*, and Master of *Catharine-Hall Cambridge*, Prebendary of *Ely* and Arch-Deacon of *Coventry*. In 1641. he was made Bishop of *Exeter*, and after some Years spent in the Family of *Thomas Rich Esq;* (afterwards a Baronet) he so condescendet to un-bishop himself, as to become the Pastoral Preacher to both the Temples in *London*, where being settl'd for some time he dy'd 7. Decemb. 1659. *Dr. Gauden* succeeded him in his Temple-Mastership or Pastorship, and afterwards in his former Bishoprick, and edition'd both his Volumes of Sermons, 65. in the Whole, with a large Preface, wherein he extoll's his Piety and Religion wonderfully, but not one Word of Excuse or Apology for either of their Condescension to the *Democratical* Government in Church and State; tho' the brave *Ld. Clarendon* in his History, Vol. 1. p. 87. observe's at the very same time, that some of the *Scotch* Bishops renounc'd their Function and became ordinary Presbyters, as soon as they saw the Current of the Time &c. as also our great *Irish* ABp. *Usher* did at the same Time,

preaching and performing other Sacerdotal Functions and Parochial Duties, as a kind of Minister in Ordinary at *Hammersmith*, as I take it: And as the late Non-juring Bp. *Frompton* did, who latterly parting with his Bishoprick, resided at a little Parochial Cure, which, it seems, he had reserv'd for himself, and perform'd the Parochial Functions by his Presbyter Chaplain, who was dispens'd withall to be a Juror, or to that Purpose.

As to *Dr. John Gauden*, he was of *Mayland* in *Essex*, and of *St. John's-Coll. Cambr.* and of *Wadham-Coll. Oxon.* Chaplain to *Robert Earl of Warwick*, Rector of *Brightwell* near *Wallingford* in *Berks*, with the Rectory and Deanry of *Booking* in *Essex*, Preacher of the Temple at *London*, after the Decease of *Dr. Brownrig* Bp. of *Exeter* before mention'd, in 1659. most of which Livings he kept during the Usurpation, and upon the Restauration he was made Bp. of *Exeter*, and then of *Worcester*; he dy'd in 1662. He writ a Discourse about publick Oaths against *Quakers* in *Latin*, *Lond.* 1649. and afterwards in *English*, *ibid.* 1662. *Hierapistes*, for the Ministry of the Church of *England*, *Lond.* 1653. 4to. *Ecclesiæ Anglicanæ suspiria*, for the former Constitution, in fol. *Lond.* 1659. *Analysis* of the Covenant, in 4to, *Lond.* 1660. *Anti-Baal-Berith*, in 4to, *Lond.* 1661. A Pillar of Gratitude, for Restoring of Episcopacy, in fol. *Lond.* 1661. A Discourse of Artificial Beauty in point of Conscience between two Ladies in 8vo, *Lond.* 1663. in 4to. The Whole Duty of a Communicant, in 12. *Lond.* 1681.

In the like Measure and Law of Paralels, as the Oecumenical Characters of the famous *John Selden* of the Inner-Temple, and of the renown'd *James Usher*, ABp. of *Armagh* jump very near together, not only in their unlimited Learning, prudential Lives, and almost coincident, or approximant Deaths, but also in their inseparable Gift of the Inamissibility of Grace and Favour with Heaven and Earth, so the Proximity of Learning, living and dying, the Contiguity of Piety and Religion, and the Congruity of the Inamissibility of Grace and Favour with God and Man, do all meet in a great Measure of Comparison (which is not to be suppos'd to run upon

upon 4 Feet in all Particulars) between the excellent Characters of the often abovemention'd L. C. J. *Hale* and Bp. *Jer. Taylor*, who was Native of *Cambridge* and Student of *Gonvil and Cajus College* there; then by degrees he became Chaplain to ArchBp. *Laud*, who made him Fellow of *AllSouls-College Oxon*, Lecturer of *St. Paul's London*, Rector of *Up-tingham* in *Rutlandshire*, Doctor of Divinity, and Chaplain in Ordinary to K. *Char. 1.* He had almost been perverted to the *Romish* Superstition by one *Francis à S. Clara*, an *English* Franciscan Fryar from *Doway*, whose right Name was *Christoph. Davenport*, formerly Student at *Merton Coll. Oxon*, in 1614. 'Tis the same Miscreant that endeavor'd to pervert our Bp. *Goodman*, spoken of elsewhere, in *Athen. Britan. Vol. 3.* However, with much adoe our excellent Dr. *Taylor* kept clear from Popery as well as from the furious Principles of Anarchical Presbytery, by retiring to the late Earl of *Carbury's* Golden Grove in *Caermarthenshire*, where he kept School: afterwards he went with the Ld. *Conventry* to *Ireland*, and settl'd at *Portmore*, then became there Bp. of *Down* and *Conor*, and Privy Counsellor, and Administrator of the See of *Dro-more*, where he was bury'd in a Chappel of his own Erection, tho' he dy'd at *Lisburne*, or *Lisnegarvy*, Aug. 13. 1667. His Funeral Sermon was preach'd by his Friend and Successor *Geor. Rust*, D. of D. One of the first Books writ by our Religious Bp. *Taylor*, was his Discourse for the Liberty of Prophecy in 4. *Lond. 1647.* answer'd by *Sam. Rutherford* Profess. of Divinity at *St. Andrews* in *Scotland*, in his free Disputation against Liberty of Conscience, in 4to, *Lond. 1649.* An Apology for authoriz'd and set Forms of Prayer, against the pretended Presence of the Spirit, in 4to, *Lond. 1649.* The real Presence and Spiritual of Christ in the blessed Sacrament, against Transubstantiation, in 8vo, *Lond. 1654.* *Clerus Domini*, or the Office Ministerial, in Fol. *Lond. 1655.* The Golden Grove, or the Guide of Infant Devotion, in 8vo, 1656. and 83. the 14th Edit. A Letter concerning Praying with the Spirit, in 4to, *Lond. 1660.* Letters to *Henry Feanes* a Presbyterian Preacher, of Original Sin, *Oxon. 1660.* publish'd by the

sayd *Feanes &c.* Rules and Advices to the Clergy of his Diocess, in 8vo, *Dublin 1661.* and 1663. Christian Consolation taught from Faith, Hope, Holy Spirit, Prayer and the Sacraments, in 8vo, *Lond 1671.* Dr. *Taylor's* Holy Living and Dying, in 8vo, and 4to. His Sermons, in Fol. his Controversies in Fol. his Life of Christ, in Fol. his Contemplations, with the rest of his pious and learned Elucubrations, are as well known to all *English* Christians, as Judge *Hale's* Contemplations Divine and Moral, or his Pleas of the Crown to studious Lawyers. So likewise be Bp. *Taylor's* Measures and Offices of Friendship to Mrs. *Katherin Philips*, who went into *Ireland* with the Countess of *Dunganon*, and her Husband *Jam. Philips*: Mrs. *Philips* dy'd in 1664. Jan. 22. in *Ireland*: her Works were printed in *Lond. 1697.* under the Name of *Matchless Orinda*, she was one Mr. *Fowler* a Merchants Daughter, as the Lady *Dunganon* was a *Trevor*.

The like Paralel might be made between the Characters of Sr. *Geofrey Palmer* and Bp. *Saunderson*, who must needs be spying how Democracy went on; and accordingly waded deep therein, even almost out of Sight, complying with the Saying of the Gospel, *If thy Adversary ask thee to go with him one Mile, go with him twayn; If he ask for thy Coat, give him thy Cloak also, &c.* As also that of *Salomon*, *Answer a Fool according to his Folly; and answer, not a Fool according to his Folly &c.* Poverty is the Occasion of many Sins &c. However, they payd often dear enough for their Peeping; For the one was often drub'd, and the other often tow'r'd, or imprison'd, or to the same effect, for their good Intention, or Loyalty in petto: And even their Gift of inamissible Grace had much adoe to bring them out of the Democratical Revel-rout to the Restoration-Preferments. Sr. *Jffr. Palmer* was Native of *Carleton* in *Northamptonshire*, Barrister of the Middle Temple. He was chose Burgess for *Stamford* in *Com. Lincoln*, in 1640. and continu'd as such for some time, but often disagreeing with the Sentiments of the House, especially about the *Great Remonstrance*, he was as often sent to the Tower, or imprison'd, but always got loose again by his sympathizing or temporary Submission. Yet af-

ter the Restoration he was made the King's Attorney General, and dy'd at *Hampstead* near *London* 5. May 1670. aged 72. His Reports were printed in *Fol. French*, 1673. and 1688. Pr. 10 s. As to his Paralel, Bp. *Saunderson*, he was born at *Retheram* in *Yorkshire*, and thence became Student of *Lincoln-Coll. Oxon.* In 1641. he with two more of the Convocation of the Clergy drew up some safe Alterations in the *Common-Prayer-Book*, and abated some of the Ceremonies that were less material: He was made nevertheless the Kings Chaplain, *Regius Profissor* at *Oxon*, and Rector of *Botby* in *Com. Lincoln*, where, upon the Usurpation he retir'd and resided an Incumbent, tho' often made to be a *Decumbent* with Stripes and Blows (for saying the Prayers of the *Common Prayer-Book* by Heart and Roar, as if they were extempore inspir'd Prayers, according to the then Anarchical *Enthusiasm*) till the Restauration, and then he was made Bp. of *Lincoln* by the Interest of Dr. *Sheldon*, who look'd upon Dr. *Saunderson's* Temporizing with Democracy and a good Living to have been nevertheless regularly and Liturgically entitl'd to the Gift (in extraordinary) of inamissable Orthodoxy: And accordingly our great Bp. *Saunderson* himself writ a casuistical Defence of his former Conduct in complying with the Presbyterian Directory in the time of *Olivers* Usurpation, in a Tract of his styl'd, *Nine Cases of Conscience*, for that Purpose, reprinted in 1678. 1685. in 8vo. His Tract in *Latin*, *De Juramenti Promissorii Obligatione*, was printed in 8vo *Lond.* 1646. and 1647. 70, 76. & 83. 'tis sayd to have been translated into *English* by K. *Char. 1.* and printed in 8vo *Lond.* 1655. & *De Obligatione Conscientiae*, in 8vo *Lond.* 1660. 70, 76. and 82. His Judgment concerning Submission to Usurpers. in 8vo, *Lond.* 1678. *Pax Ecclesiae*, in *English*, 8vo *Lond.* 1678. Discourse concerning the Church, in 4to, *Lond.* 1688. His Sermons in *Fol.* Reason and Judgment, or special Remarks of the Life of Dr. *Saunderson*, in 8vo *Lond.* 1678. by *Isaac Walton*, who was Native of *Staffordshire*, and kept a Semster's

Shop in *Chancery-Lane*, and writ the *Lives* of Dr. *Donne*, Sr. *Hen. Wotton*, *Rich. Hooker*, *Geo. Herbert* and *Robert Saunderson* Bp. of *Lincoln*: *Isaac Walton* dy'd in 1683. Bp. *Saunderson* dy'd in 1662. and the Year before dy'd another unexceptionable Ornament of *Yorkshire*, and one of the greatest Scholars that ever Christianity bred, viz. our Famous *Bryan Walton*, who had just made an End of publishing the greatest Monument of Christianity that ever appear'd in the World, viz. the everlasting Polyglot of the Old and New Divine Law a little before the Restauration; so that he had just Time enough to dedicate his Prolegomena, the compleatest Body of solid Divinity that ever was yet printed, to K. *Char. 2d*, who thereupon made him Bishop of *Chester*, which he did not long enjoy, for he dy'd the very same or next Year, 1661. However, one may conclude for the Honour of *Yorkshire*, as well as of *England* and the establish'd Church thereof, those two Bps. *Walton* and *Saunderson*, with Sr. *Henry Savil*, were three of the most profound Scholars, and of the most politick and lucky Divines that ever appear'd in Christendom; tho' some Part of great Bp. *Saunderson's* Conduct, as before sayd, is more to be admir'd than copy'd after, and much less to be made a Handle for occasional Conformity. Oaths and Difformity - Practizings or Well wishings to the contrary, under Pretence of an unwilling or forc'd Conscience, and inward Inamissible Grace and Orthodoxy; for the very Heathens used to abjure, *Lingua jurare & mentem injuratam gerere &c.*

Brother to the foresaid Sr. *Henry Savil* was another Original Protestant Law-Convert from Popery, Sr. *John Savil* of *Overbradley* in *Stane-land* near to *Eland* and *Halyfax* in *Yorkshire*, Student of *Brazenose-Coll.* and afterwards Baron of the Exchequer; he dy'd in 1606. His Reports in *French*, were not printed till the Year 1675, in *Fol.* by *J. Richardson* of the Inner-Temple, Pr. 4s. Tho' Sr. *J. Savil* was by a Mistake plac'd in the foregoing Paper, N. 19. Col. 3. amongst the Gentlemen of the Inner-Temple, yet he was of the Middle-Temple. Those Lists will be set down more exactly and perfect hereafter.

THE LAWYER'S-POST.

PART II.

Being Law-Parallels of Post-Essays, and Miscellaneous-Posts, as to Law-Persons, Law-Cases, and Law-Reports.

With reference to, and continuation of the Critical History of Pamphlets and Books of the *Oxford* and *Cambridge* Writers of Law and Gospel, and others.

IT has already appeared, and been made out more than once, that the respective Memoirs, Rise and progress of the Standards of our English Law-Books and Lawyers stand thus: The several Annals, or Year-Books, *Castumier de Normandie*, and *Glanvill*, *Bracton* and *Fleta*, *Hengham* and *Horn*, *Breton* and *Fortescue*, *Statham* and *Littleton*, *Fitzherbert* and *Saintgerman*, *Stauford* and *Brook*, *Rastal* and *Plouden*; all these, except the two last, liv'd before the full establishment of our English Protestant Constitution, and consequently were Conformists to Romanism in their several Ages and Stations. But no Romish Non-Conformist Lawyer ever Writ any thing of our Laws, to any purpose, except the above-mention'd *Rastal* and *Plouden*, *Latch* and *Blount*; neither were there, ever since the Reformation, scarce any other of the English Romanists Eminent in any respect as to our Laws, no more than *Physick*. 'Tis true, one *Brent*, *Langhorn*, *Allybon* and *Pygot*, were noted amongst their own Party (as the last is still, together with one *Ayres*) who from time to time appear Solicitors, more or less, for the Romish Faction: But they themselves are oblig'd to employ Protestant Lawyers to transact their Affairs in the respective Court or Courts. See the printed Trials and Memoirs of *Langhorn* and *Wakeman*, and *Brent*, in King *Charles II* Reign; wherein one may see at the same time what has made the Romish Gentlemen of Estates very cautious how they entrust, ever since, their Wealth and Land-Securities with any of their own Party-Lawyers, for fear they may be forc'd to such Discoveries as *Langhorn* thought himself oblig'd to, for to save his own Life; but he found by fatal Experience, that the cunning Jesuits

could better save their Estates than he his Life. See also *Athena Britannica*, Vol. I. Page 110. &c.

However, the *Nova Narrationes & Articuli & Natura Brevium Vetus*, should be read by a regular Law-Student, next to *Breton*, and before *Fortescue*, according to their proper place and station, to give in their Evidence or Judgment, as also *Simon Iſly's Speculum Regis*, apud *Coke's Institutes* Part 2. Page 545. together with the Manuscript also Collection of *Old Tenures* in *Lincoln's-Inn* Library; where likewise may be found, amongst Sir *Matthew Hale's* Manuscripts, *Rageman de Justiciariis assignatis & de veteribus Placitis Corona & Nova Capitula Corone*. amongst the Manuscripts of Sir *Orlando Bridgman*, *ibid*, &c. *Modus calumniandi Effoneum & Judicium Effoneum per Johannem de Meringham*, *Capitalis Justiciarii* Edw. 1. amongst *William Goddard's* Miscellanies, of *Lincoln's-Inn*, and *Ordinale Compositi de Walvescia secundum Oliverum Casus qui tenet locum secundum Leges Anglie*, &c. with other Law Manuscripts of much of the same Date, prior to *Fortescue*. to be heard more of, in Sir *William Dugdale's Origines Juridicae*, Cap. 23. Whereunto also should be added, an Inspection of the Ordinances of Barons of the Exchequer Manuscript, in *Cotton Library*, under *Claudius*, A. 8. After some proper Notes, as well as further Notice being taken of the substance of the Premises, then our diligent Law-Student may proceed to the other Law Standards of our Protestant Constitution, from and before the beginning of our Reformation, as above said, viz Numb. 1. and 2. Column 3. *Latch*, *Blount* (*Fineux*, *Fitzjames*, *Audley*, *Rich*, *Wriothley*, in *Athena Britannica* Vol. II. Page 38, 47.

3, 105, 108. &c.) Christopher Hales, *ibid.* Number 2. Column 5. Mountague, Jeffrey *ibid.* Fish, Fulbeck, Saint germain (*Athenæ Britannicæ* Vol. 1. Page 57, 68, 215.) Ferrers and Lambard Number 3. Column 7. Coke, *ibid.* Number 4. Column 4. and Number 5. Rolle, Hughes, and Sheppard, *ibid.* Number 6. Column 4. Davis, *ibid.* Column 6. Cowel, Brady. Sir Edward Herbert, Atwood, *ibid.* Col. 8. Atkins, Lutwich, Levins, Shore, Williams, Maynard, Rolle, *ibid.* Num. 7. Matth. Hale, Jones, Crooke, Egerton, Bp-Lawyers, Num. 8, and 9. Col. 2. Davies, Doderidge, Yelverton, Inns of Court, in Num. 9 and 10. Law-Books, Num. 11. Matth. Hale, Num. 12. Col. 2. Saunderson, Selden, Vaughan, *ibid.* 8. Keeling, Jenkins, Thelwall, Jones, Owen, Price, Bishop Gauden, Bishop Taylor, Bishop Brownrig, Palmer, Bishop Saunderson, Savil, Number 13 and 14.

But of all the English Law-Writers, or Law-Authors in Print, there never appear'd but one Sir Edward Herbert, Lord Chief Justice of the Common-Pleas, in King James the II's time, that ever pretend'd to carry the High Church Tory-Point, of the Royal Prerogative-stretch, so far and high in Argument and Print Publication, as he the said Herbert; for the abovementioned Cowel and Brady were neither Lawyers by Profession nor Knowledge, nor so much as *Amici Curie*. However, before we go on any farther in the Bio-Bibliographical Preparatives to, to and of the Law Policy, it may be of no small use to any English Gentleman, or Lawyer, to consider thorowly the foresaid Case and Argument, which the said Lord Chief Justice Herbert palm'd his Highflying Law-Judgment upon, which was then taken at the Hearing and Bar-Consultation, by an able Practitioner, and afterwards maintain'd and defended in Print by the said Sir Edward Herbert, thus mostly in the respective original Words abridg'd, never before printed, *pro modo & forma*, &c.

*Term. Trin. 2 Jac. 2. Banco Regis.
Goodwin versus Sir Edward
Hales.*

THE Plaintiff brought an Action of Debt against the Defendant for 500*l.* and declares the Defendant was such a Day admitted to be Collonel of Foot, which Office, the Plaintiff avers to be an Office of Trust, within the Statute 25 Car. II. and that the Defendant held the said Office for above three Months, and he did neither in the next Term, nor within three Months after the Grant of the said Office, take the several Oaths, nor subscribe the Declaration according to the Statute, and yet did continue in his Office; and that the Defendant, at the Assizes held at Rochester, was indicted for neglecting

to take the said Oaths, and there was *Legitimo modo convictus*, as by the Record of this Conviction may more fully appear; and the Plaintiff intitles himself to the Sum of 500*l.* Forfeiture, given by the Statute to any that will Sue for the same.

To this the Defendant Pleads, That the King, after the admission into the said Office, and before three Months were ended, did, by his Letters Patents, dispence with, pardon and discharge the Defendant from taking the Oaths, and Subscribing the Declaration according to the Statute, and of and from all Crimes and Convictions incurred, or to be incurred by vertue of the said Statute; and that the King did Grant to the Defendant, That he should hold the said Office as though the Statute had never been made.

To this Plea in Barr the Plaintiff demurred, and the Defendant joyned in demurrer.

The Questions are Two.

First, Whether the Defendant ought to have plead'd this Pardon and Dispensation to the Indictment, or whether he may not plead it in Barr to this Action.

Second Question, Admitting he may plead it to this Action, whether it be a good Bar, and whether the King, by his Prerogative, may dispence with the Statute?

First Point, Mr. Northey, who argued for the Plaintiff, held, That the Defendant shall not be admitted to plead this Matter in Barr of the Action, because he ought to have pleaded it to the Indictment, and he having not pleaded it then, the Law will construe it to be a waving of it, and he shall be estopped for ever after to plead it; as the Case in *Brook's Abridgment* Charter of Pardon 15, That in Case of an Indictment for Murder, one that hath pleaded not Guilty, cannot plead the Pardon after (*Miles*) dated since his Plea of not Guilty, fol. 3. Cro. 4. in a *Scire Facias*, if the Defendant appears and hath a Release, and doth not plead it, he hath lost the benefit of it, and shall not be relieved by an *audita Querela*; now the Defendant shall not be admitted to plead it against the Plaintiff no more than he could have pleaded it against the King, for this Action is in nature of an Execution upon the Conviction, as if it were in nature of an Execution upon the Judgment, and may be likened to this Case, an Administrator *de bonis non* by 17 Car. 2. 8 is enabled to sue for an Execution upon a Judgment recovered by an Executor of the first Testator, and the Statute doth put the Administrator in the same Case the Executor was in, and the Defendant in this Case can alledge no other Matter against the Administrator than he could have done against the Executor, neither can he avoid this Execution by any Plea he could have pleaded to the first Action, and if the Defendant shall be received to plead this Plea now, he will falsify the Indictment that was found against him; for if the Offence be pardoned he ought not to have been Indicted. But admit the Defendant may well plead this Plea. Yea

a Point.

2 Point, Secondly, I hold it no Bar to the Plaintiffs Action. I do allow, That the King may dispence with several Penal Laws, in some Cases; but that Prerogative of the King is bounded so, that with some Statutes he cannot dispence, as wherein the Subject is interested, as in 4 *Inst.* 135. so the King cannot License a Man to make a Nuisance, or commit a Murder, 11 *H. 7.* 11, 12. and that this is an Act wherein all the Subjects have an Interest, I humbly submit to the Judgment of the Court; the King cannot dispence with the Statute of 31 *Eliz.* cap. 6. against Simony, nor with the Statute 7 *Edw.* 6. 1. against buying and selling of Offices, as appears by 1 *Inst.* 120. a. 3 *Inst.* 154. 2 *Cr.* 385. *Hob.* 75. 1 *Inst.* 234. a. And a Man that is disabled by Law to take such an Office, the King cannot Capacitate him; as if the King should grant to one to sell any Office within the Statute of *Edw.* 6. and to another to buy that Office, these Grants would be void in *Paugh.* 354. in the Case of *Thomas and Sorrel*; there are several Cases where the King cannot dispence with a Statute: Now by this Statute that we are upon, it is enacted, "That every Officer shall take the Oaths; and that every Person that doth neglect it shall be disabled to hold the said Offices." Now this Act doth not work upon the taking, but upon the holding, and if such Conditions be not performed, he is thereby rendered incapable to hold his Office; and the King can never enable a Man whom the Law hath disabled, 3 *Inst.* 154. But I foresee the Case in 12 *Coke* 18. will be objected against me, where it is said, "That no Act of Parliament can bind the King from any Prerogative which is sole and inseparably annexed to his Person, but that he may dispence with it by a *non obstante*." And the Book doth instance of the Case of Sheriffs, upon the Statute of 23 *H.* 6. 6. which doth enact, "That all Patents made, or to be made, by any Office of a Sheriff, &c. for term of Years, &c. shall be void, any Clause, or Parol, *de non obstante*, to be made notwithstanding; and whosoever shall take, or occupy such Office, by vertue of such Patents, shall be disabled to be, or bear the Office of a Sheriff, &c. within any County of England, and shall forfeit 200 *l.* Yet, said that Book, The King may dispence with that Statute." And cites the 2 *H.* 7. 6, 6. to be there so adjudged by all the Judges of England, and that this is the only Authority that seems to countenance this Case; but that is the Opinion only of my Lord *Coke*, for the Book which he cites, and depends upon, was never adjudged, as appears by *Bro. Tit. Pat.* Pl. 45. and 109. and what was said in that Case was only said by one Judge, and never judicially determined, nor so much as spoken to by any other Judge; therefore the Foundation which my Lord *Coke* hath laid, failing, the superstructure must needs fall; and so, with submission, that single Opinion, in the 12 *Coke*, fol. 18. is not Law: But admitting the Case to be Law, that can be no Rule to guide this

Case by; for that Statute was made rather to deprive the King of his Power of making Sheriffs, and so consequently commanding his subjects to serve him, than to disable the Subject, and thereby restraining the King's Prerogative, which is inherent in him. But by this Statute of 25 *Car.* 2. 2. the Prerogative of the King is not touched, for the King may grant the Offices to any of his Subjects, and it is only a Direction to the Subject to qualify himself for the King's Service; and if he be incapable to serve the King, 'tis through his own default and neglect, and may be punishable for the same, as in the Case of Sir *John Read*, in the 27, 28. *Car.* 2. in the *Exchequer*; he was made and sworn Sheriff of *Hartfordshire*, and neglected to take the Oaths, according to this Statute, by reason of which the Office became void: Afterwards there was information exhibited against him, upon this Statute we are now upon, for neglecting to take the Oaths, and executing his Office; and upon this he was committed and fined, and the Court was of Opinion, That no Subject could put himself out of a Capacity to serve the King, but for so doing he is punishable; and in the Law of the Sheriffs, the Dispensation is in the Patent, but in our Case the Dispensation is after the Patent, and so a difference between the Cases.

And for these Reasons, I pray your Lordship's Judgment for the Plaintiff.

Sir *Thomas Powis*, the King's Solicitor, argued for the Defendant.

Argument for the Defendant.

1st Point, As to the first Point, That supposing the Defendant ought to have pleaded the Dispensation to the Indictment, it doth not appear by this Record, but that he did; for the Declaration is, That he was *Legitimo modo Convictus*, and does not say whether he pleaded not Guilty, or how he pleaded; and for any thing that appears he did plead it, and they might demur, and Judgment given upon the Demurrer. But they object, That the Defendant is estopped to plead it against the King, and yet he may be admitted to plead it against the Plaintiff who is a Stranger. 2. If they stand upon this as an Estoppel, they ought to have relied upon it, and replied, That he had the Dispensation at the time of the Judgment, and refused to plead it; for he that pleads an Estoppel must rely upon it, as the Authorities are which treat of Estoppels: And therefore as to the first Point, I think, with submission, we have very well pleaded the Pardon and Dispensation, in Bar of the Action.

2. Point. As to the second Point, Whether the King can dispence with the Statute or no; I humbly conceive, with submission, That the King may well dispence with the Statute, 'tis admitted the King may, in many Cases, dispence with an Act of Parliament, and let us consider why not this: 'Tis well observed in the 2 *Inst.* 496. That the King's Prerogative is as much the Law of England, as any other Law whatsoever; and

and the King may, upon any Cause moving him, in respect of Time, Place or Person, by a *Non obstante*, dispence with any particular Person, that he shall not incur the Penalty of the Statute, 7 Coke 36, 37. *Vaugh.* 347, 331. 1 *Rushw. Collect.* 472, 473. There *Glanville* in his Argument, doth admit a Power in the King to dispence with Penal Laws (and yet he was no great Friend to the Prerogative) though the Consent of the Lord, and Commons be requisite to the making the Act of Parliament, yet 'tis the King that gives the Sanct on to the Law; and most of the antient Statutes begin in form of Charters, as it appears in the right *Coke* 19. and the intents and meaning of the Acts of Parliament are every Day, by the Judges, extended, restrained and changed, according to a better rule of Reason and Justice than the Words will bear, *Hob.* 299. And the Judges have an Authority over Statute Laws, to mould them according to the truest and best Sense, *Hob.* 346. And Statutes which have been made against common Right have been construed void, 8 Co. 118. a.

There is a distinction taken in our Books, against *malum in se & malum prohibitum*, the former the King cannot dispence with, the latter he may, as where the Statute generally prohibits any thing upon a Penalty which was Lawful before, the Subject receiving no Injury by such Dispensation; the King there may dispence with such an Act. *Vaugh.* 343. *Dyer.* 52. a. The King granted a Licence to carry Bell-mettle out of the Realm, notwithstanding the Statute in *Dyer.* 54. a. 'Twas enacted by the Statute 4 H. 5. That none should convey Wine into England out of *Gascogne* but in English Ships; and the King granted a License to a Mar, That he, his Deputy or Factors, might convey, &c. in any Ships, notwithstanding the Statute: So the King may Licence Transportation of Wooll, notwithstanding the Statute 2 Coke, 3. *Vaugh.* 352, 353, 354. Now to apply these Cases to the Case in question, this is only a *malum prohibitum*; neither is the Dispensation any Damage to the Subject, and if it were any wrong it is to the King himself; and sure the King may very well dispence with that that is only a wrong to himself.

I must distinguish between Acts of Parliament which concern Property, and those which concern Government.

With Acts of Parliament which concern Property, the King cannot Dispence; but with those that concern Government he may; and this for the great inconveniencies which may happen in urgencies of State which may force him to it, and those unforeseen at the time of the making of the Law, for it may happen, by a vicissitude of Times, those Laws which were made for the Preservation of Government, should turn to the Destruction of it, if the King could not Dispence them.

The Common Law, in some Cases, does so much respect the Prerogative, that it leaves the private In-

terest of the Subject unregarded, as the King may digg in any of his Subjects Lands for Salt-Peter to make Gun-Powder.

Now this Statute 22 Car. was not made to diminish the King's Prerogative, but to secure him from his Enemies, and the Preservation of his Government; and the King is best Judge of what will be best for his own Security and the Governments Preservation.

No Act of Parliament can discharge the Subject from his Allegiance which he owes to the King; every one is bound by Allegiance to serve his Prince, when he shall be required; therefore no Act of Parliament can disable any Man to serve the King: But they object, That this Act does make no one incapable but at his own Election; but what an Absurdity it is to say, The subject may, or may not pay Allegiance to the King at his own Election; if this were so it would be in Election of some, or all the Subjects, to incapacitate themselves to serve the King, and the King would be unserved; for if it were not in the Power of the King to force the Subject, he would not it may be, be served at all, as in that Case of Sir *John Read*, cited by the other side, he refused to take the Oaths, and thereby his Office became void; so the next elected might refuse, and so the next; in the mean time the King's Service lies neglected, and no Business of a Country can proceed for want of a Sheriff.

To Pardon Murder is a Prerogative solely and inseparably incident to the King, and he may dispence with Statutes restraining it, 12 Co. 18. He may dispence with non Residence, *Ho.* 146. 3 *Inst.* 239. In the said Institution my Lord *Coke* speaks of the Acts of Parliament that were made to restrain the King's Power of pardoning Murder, says, "That such Acts are good directions for Religious Kings to follow, but not binding." In 12 Co. 18, 19. there are several Statutes cited, with which the King may, by his Prerogative, Dispence, as the 36 H. 6. which does Enact, That no Man shall be Sheriff of one County two Years together; yet it was adjudged by all the Judges of England (says that Book) That the King may dispence with it. The Statute 4 H. 4. 31. That no Welchman shall be Justice, &c. nor other Officer whatsoever, in any part of Wales; and yet the King may dispence with it. The Statute 8 R. 2, 2. and 33 H. 8. 24. does Enact, That none shall be Justice of Assize, &c. in the County where he was Born; and yet the King, with a special *Non obstante*, may dispence with the Statute. And in *Plaw.* 502. 13. The King may grant to a Man to be an *Escheator* for Life, notwithstanding the Statute.

To answer the Statutes which have been cited, That the King cannot dispence with; I say, as to the Statute of Simony and Usury, 'tis true, the King cannot dispence with: But what is that to this matter in hand, for there is no restriction of the Subjects Service; but the King may have the benefit of it notwithstanding.

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Then as to the Stat. of 5 Edw. 6. 16. against buying and selling Judicial Offices of which Stat. there is a Case in the 1 Inst. 134. a. that the King cannot dispence with that Stat. There is a Difference betwixt that Stat. and this; for that does enact, "That if any Person shall bargain and sell any Office, &c. he shall lose the Office, &c. and that all such Bargains and Contracts shall be void, and he that shall give any Sum of Money, &c. shall be a disabled Person in Law, to have, accept, or enjoy the said Office, &c."

Now this Stat. doth disable the Party upon doing such an Act to take the Office; for the making the Bargain is prior to the taking the Office, and thereby he is disabled to take it so, that he can never have the Office legally vested in him; but in our Case, the Defendant is well in, and the Office was well vested in him, and if the King cannot dispence Precedent, yet he can dispence with a Condition subsequent, and so that Case does not come near to this.

And for these Reasons I humbly pray Judgment for the Defendant.

Chief Justice.

This Case is a Case of great Consequence, but of as little Difficulty as any Case ever was, that raised so great an Expectation; for if the King cannot dispence with this Stat. he can dispence with no Penal Law whatsoever.

First Point, As to the first, whether he shall be admitted to plead this Dispensation, and Pardon to his Action of Debt, having not pleaded it to the Indictment; and I think he may; for this Court shall not be bound by the finding of the Jury below, for he, for ought any thing does appear, did plead it there, and the Jury might have gone against the Direction of the Court, yet that shall not conclude us.

But if the Party has good Matter to discharge himself, we may hear it, as if a Man be convicted of an Assault and Battery upon an Indictment; and after the Party bring an Action of Assault and Battery against the Defendant, the Plaintiff may give this former Conviction in Evidence, but yet he must also prove the Battery, or else he shall not recover; and this being an Estoppel, it shall not bind because the Plaintiff was not Party to the first Suit.

Second Point. As to the Second Point, whether the King can dispence with this Stat. or no, I think is a Question of little Difficulty. There is no Law whatever but may be dispenced with, by the supreme Lawgiver, as the Laws of God may be dispenced with by God himself, as it appears by God's Command to Abraham to sacrifice his Son Isaac, so likewise may the Laws of Man be dispenced with, by the supreme Legislator; for a Law may be either too wide or too narrow, and there be many Cases which may be out of the Conveniencies which did induce the Law to be made; for it is impossible for the wisest Law-Makers to foresee all the Cases that are to be remedied, and there-

fore there must be a Power somewhere able to dispence with these Laws: But as to the Case of Simony that is objected by the other Side that is against the Law of God, and a Spiritual Offence; and therefore *malum in se*, which I do agree, the King cannot dispence with; for that which is *malum in se* before and after is prohibited by Act of Parliament, and the King cannot dispence with that Act: And as to the Cases of Usury and Non Residence, those Cases do come in under that Rule, that the King cannot dispence with them because the Subject has a Benefit by them, for in Case of Usury the Bond is made void by the Statute, and therefore if the King would dispence with it, the Subject would lose the Benefit of avoiding the Bond.

N.B. The King cannot dispence with the Stat. of Usury, because the Subjects Property is concern'd; no more can he dispence with this, for the same Reason, half of the Penalty being to the Informer.

And as to the Cases of buying and selling of Offices which is objected, there is no need of resolving whether the King could dispence with that Stat. or no, because the Party was disabled to take any such Office by the Contract, and the Disability was attached before the Office was vested, so that the King could not remove the Disability; and so I do agree in this Case if the Defendant had by his Neglect or Refusal to take the Oaths rendered himself incapable before he had taken the King's Dispensation, but the Dispensation attached, it does prevent it. The Case of the Sheriff is a much stronger Case than this, and comes up to it in every Particular; for that Stat. both disables the Party to take, and the King to grant, and there is also a Clause in that Stat. which says, "That the Patent shall be urg'd notwithstanding any *non obstante* to the contrary. And there is the Penalty of 200 l. like to our Case, and yet by the Opinion of all the Judges of England, the King hath a Power of dispensing with the Stat. yet that does expressly say the King shall not dispence with it by a *non obstante*; so if an Act of Parliament had a Clause in it that it should never be repealed, yet without Question the same Power that made it, may repeal it; that Stat. makes the Patent void at the Time of the granting, and continue so till he does neglect to take the Oaths, for the doing of which the Patentee has three Months Time: and if the Case of the Sheriff be Law, as it hath been taken ever since H. 7. Time, and is cited for good Law in many of our Books, and never till now questioned (for the common Course and Experience hath been according to it) then I defy all the World to find any material Difference between that and this, only that this is a stronger Case of the two in many Particulars, but because the Case has been denied by the Plaintiff's Council, it does concern us to take the Opinion of our Brethren, it being a Matter of so great Consequence in the Circuit; for if it be

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not Law, then there are some Sheriffs that are not lawful, and so have no Power to return the Juries, and then we have no Power to try or give Judgment upon any Offenders, and it also concerns us who go into our own Country, to take Advice of it: For if that Case be not Law, our Patents which are *non obstante*, 23. H. 8. 24. may not be good, and so we have no Authority to go the Circuit, and therefore I will ask the Opinion of all the Judges, as well in that Case as this.

June 21. 86. On Monday after he having consulted with all the Judges, L. Ch. Just. Herbert deliver'd their Opinions in open Court, to this Effect.

Upon Argument of this Case, it did appear to us to be a very plain Case, but yet for the better Satisfaction of all People, both this Case and that of the Sheriffs was put to me by all the rest of the Judges, and after some Conference, ten of us did agree that the Case of the Sheriffs was good Law, but they all declared there was no difference between that and this.

My Brother *Powel* at first doubted, but afterwards concurred with us in Opinion, but my Brother *Street* yet continues his Opinion, that the King cannot dispence with that Stat. but here being the Opinion of 11 Judges against one single Judge, we may very well declare the King may lawfully dispence with that Stat. and we go upon these Grounds.

1. That the Kings of England are Sovereign Princes.
2. That the Laws of England are the King's Laws.
3. That it is an inseparable Prerogative in the King to dispence with penal Laws upon Necessity.
4. That the King is sole Judge of that Necessity.
5. That this is not in Trust given to the King, but tis the ancient Remain of the Crown, which never was, nor never can be taken from him.

Querens nihil capiat per Billam.

It has been taken Notice of already in Numb. 6. Col. 8. N. 7. Col. 1. of these Law-Posts or Parallels, that the learned Sir Robert Atkins, and the ingenious Counsellor Atwood presently answer'd this Tory-Law Author, to all Intents and Purposes. However, I will not be amiss here, to observe, that this Action Popular upon the Penal Statute, after a Legal Conviction upon an Indictment at the Assizes held at Rochester, for the County of Kent, where the Defendant Sir Edward Hales liv'd, or had an Estate at that Time of his turning Roman Catholic, was brought by one Codrington, being, as the Papists gave out, back'd and encourag'd by some other zealous and considerable Protestant Gentlemen (*quorum res tum agebatur, & de quibus pene actum erat*) into the King's Bench, before the Lord Chief Justice of the King's Bench, Sir John Beddingfeld, who, it seems, was of so squeamish

a Gusto, that he did not much like to give Judgment in the Cause, but politickly threw that dangerous Burden upon his Brother Chief Justice of the Common Pleas, the often mention'd Sir Edward Herbert, who together with all the other Judges (except Mr. Justice Street) at last ventur'd to agree upon the foresaid Judgment in behalf of the Defendant Hales, for the Regal Prerogative and Power to dispence with some of the Penal Acts of Parliament: The Names of the other Judges thereunto consenting, were, Lutwich, Powell, Wright, Holloway, Witham, Milton, Heath, Januer, and Sir Edward Atkins, Lord Chief Baron, who was upon that very Account turn'd out by King William and succeeded by his Brother Sir Robert Atkins, who writ the learned Argument abovementioned against his Brother and Sir Edward Herbert's said Proceedings, with all the rest of the Bench, except Judge Street, as aforesaid. But Sir Robert had been turn'd out sometime before, from being one of the Justices of the Common Pleas, and lay still till the Revolution, and then begun to venture to display his eminent Learning in Law and Antiquity. He begins his foresaid Argument thus. "*Pasch. 2 Jac. 2. in the King's Bench, Arthur Godden Plaintiff, in an Action of Debt of 500 l. grounded upon the Act of 25 Car. 2. (which he here prefixe's at Length) for preventing Dangers from Popish Recusants. Sir Edward Hales, Bar. Defendant; The Plaintiff declares, That the Defendant after the first Day of Easter-Term, 1683. sc. 28 Nov. 1 Jac. 2. at Hackington in Kent, was admitted to the Office of a Colonel of a Foot Regiment—and from thence till the time of this Action begun, he was and still is an Inhabitant and Resident of the Parish of Hackington, &c. — ibid. pag. 7. See King James 1 Works. Fol. 531 — Every just King in a settled Kingdom is bound to observe the Passion made to his People by his Laws. See the Preamble of the Statute of 25 H. 8. c. 21, &c. — p. 8. See Sir Gilbert de Thornton, who was Chief Justice in Edward the First's Time, and reduc'd the Book of Bracton into a Compendium, &c. then Sir Robert from p. 10 to 18. proves very learnedly, That Dispensations were originally invented and handed to crown'd Heads by the Popes of Rome, with their Non obstante, out of Sir John Davis's Reports. Fol. 69. b. Vaughan's Reports. Fol. 348. Moth. Paris Hist. p. 646, 647. Sir Robert Cotton's Abridgement of the Records of the Tower. 51 Ed. 3. Numb. 62. and Priu's 2 Vol. fol. 504, and 760 Spotswood's History of Scotland, ad an. 1580. Sir Walter Raleigh Hist. l. 3. c. 3. Sect. 10. Afterwards Sir Robert from Fol. 19 to 29, he proves that nothing but a Parliament can dispence with Acts of Parliament—Fol. 26. Thus it is expr. ly provided on the Statute of Treasons, 25 Ed. 3. to defer doubtful Matters 'till the Parliament resolve them, being in a Matter of so high Concernment—vid. Sir Robert Cotton, ubi supr. 1 R. 2. nu. 95. Coke 2 Inst. 408. and 8 Rep. 158. Year Book 39. E. 3. & 40. E. 3. 34.—Fol. 27.*"

If this Prerogative of dispensing with Acts of Parliament were in the Crown by Prescription (as it ought to be if it were a legal Prerogative, 12 H. 7. 19. *Plowden* 319. 322.) it ought then to be confin'd and limited to such Cases only wherein it had been anciently and frequently exercis'd: And there ought to be no Extension of Cases, where they are depending upon a Prescription, nor is there any arguing a *paritate Rationis* in such Cases, and which have their Force meerly from ancient and constant Usage. It is a Rule (Fol. 28. *ibid.*) at common Law, *Ubi eadem est ratio, ibi idem Jus*: But this Rule doth not hold in Customs and Prescriptions—Now this Prerogative of dispensing with Acts of Parliament, in the Original Use and Exercise of it, was but in very few Cases, and those which more directly concern'd the King himself immediately, in his Revenue or the like, which were Cases of no great Consequence—*unusquisque renunciare potest Juri pro se introducto*—But to dispense with an Act of Parliament, made in a Case of the highest Concernment to the Publick that can be, wherein Religion and Government are so deeply concern'd—This hath been of latter Times, and but of late found out and practis'd, and is not warranted by any Prescription: Besides a Prerogative that tends to the great Prejudice of the Subject, is not allowable. *Moore's Reports*. 239. *Warram's Case*, &c. —*hic fol.* 21. Lord Coke in 1 *Inst.* fol. 115. says of a Prescription, That if there be any sufficient Proof of Record, or Writing to the contrary, albeit it exceed the Memory of any Man living, yet it is within the Memory of Man, in a legal Sense, it had its Original since the Beginning of the Reign of our King Richard the First (that is, in the Time of King John and King Henry 3.) whereunto the Time of Limitation in a Writ of Right is limited, &c.

Sir Robert in Fol. 24. observes that anciently our Statutes were drawn into certain Articles, and so pass'd, as being Articles of Agreement betwixt the King and his Subjects, &c. as also that Parliaments ought frequently to meet, according to the ancient Book stiled, *The Mirrour of Justices*. c. 1. Sect. 3. p. 9, 10. 4. *Ed.* 3. c. 14. and 36. *E.* 3. c. 10, and 16. *Car.* 1. (which was repeal'd by 16 *Car.* 2. c. 4.) Sir Thomas Smith, *De Republica & Administratione Anglorum*, l. 2. c. 2. fol. 50. 51. Lord Bacon in his Advancement of Learning, &c. Again he proves that the Dispensing Power is only seated in the wholly Legislative Capacity (fol. 23.) by 15 *R.* 2. nu. 8 and 22. and 2 *H.* 4. nu. 26. 63 and 17. *R.* 2. 34. Charles the Second's Speech, on 23 May 1678. and the Addresss of both Houses in Feb. 1663. and a Toleration or Indulgence to some Protestant Dissenters was declar'd illegal by the Parliament 1672. *hic fol.* 27. *Hobart's Reports*. Fol. 75. and *Croke Jac.* 385. the same Case of Simony rendring incapable the Person of enjoying it, according to 31 *Eliz.* c. 6. Sect. 5. and the Case of Sir Arthur Ingram buying the Cofferer's Office judg'd for-

feited for ever, tho' he had a *Non obstante*, by Egerton and Coke, according to the Statute of 5 *Ed.* 6. c. 16. The same confirm'd, in *Vaughan's Reports*, fol. 304, 355. in the Case of Thomas and Sorrel, where 'tis also said that the King cannot dispense with any of the House of Commons not to take the Oath of Allegiance, per 7 *Jac.* 1. cap. 6. because a Person incapable is a dead Person and no Person at all, to that wherein he is incapable. So likewise Coke. 1 *Inst.* fol. 120. tho' he says a *Non obstante* may serve where any Thing is prohibited *sub modo*, as upon a Penalty given to the King. Tho' in *Crook. Car.* 55. Sir John Bennet's Case for Bribery, his Inabilities were sufficiently remov'd by the King's Pardon, because his Office being a Freehold, the Court (of the Star Chamber) had no Power over it: So the King's Power of granting Charters of Pardon has been restrained by 2 *Ed.* 3. c. 2 and 10. *E.* 3. c. 2. and 14. *E.* 3. c. 14 and 13. *R.* 2. Stat. 2. c. 1. whereupon Lord Coke. 3. *Inst.* fol. 236. declares these Statutes but of late Times.

However, Sir Robert Atkins owns in Fol. 13 and 30. that there have been some particular Cases, wherein Dispensations have been allow'd good against the Penalties of some particular Acts of Parliament; as may be seen in the Year Book of 2 *R.* 3. fol. 12. *Dyer fol.* 303. So the Statute 1 *H.* 4. c. 6 and 8. *R.* 2. cap. 2. and 5 *Ed.* 6. c. 5 and 33. *H.* 8. c. 24. are seldom or never observ'd and are of little Use, and often dispens'd with a *Non obstante*, as well as the Statute of 14 *Ed.* 3. c. 7. and 28 *E.* 3. c. 7 and 42. *Ed.* 3. cap. 9. and 1 *R.* 2. c. 11. and 23. *H.* 6. cap. 8. and al. 9. *H.* 5. c. 5. and Sir Robert Cotton, Abridgment 18. *E.* 3. nu. 54. which were all declar'd to be dispensable with a *Non obstante*, by all the Judges in the Exchequer-Chamber as appears by the Year Book of 2 *H.* 7. fol. 6. and by Sir Edward Coke, 7 *Rep.* 14. and 12 *Rep.* 18. See 2 *R.* 3. fol. 11, 12. and 13 *H.* 7. 8 by *Davers Letter B.* and the Lord Hobart in his Reports, fol. 146. mentioning the Statute of Dispensations made 25 *H.* 8. c. 21. expressly declares for the dispensing Power as a Prerogative inherent in the Crown, and pretends to prove it out of *Dyer's Reports*, fol. 211. 225 and 303 tho' *Hobart ibid.* fol. 82 149 146. 155. declares Dispensations for Pluralities, contrary to Act, to be void. *vid. hic fol.* 37. *Eadem præsuntur Mens Regis, quæ est Juris. Princeps non creditur aliquid velle contra utilitatem publicam concedere*, 21 *H.* 8. c. 13. Sect. 10. 11. 27. and 2 *Ed.* 3. c. 8.

In order to answer these Objections, Sir Robert further observes, That the Election of Sheriff at the common Law, ever from the very first Constitution of the Kingdom, and by the original Institution of the Government, was in the Freeholders in the several Counties as well as the Election of the Coroners and Verderers of the Forest, and the Conservators of the Peace, now call'd Justices, and the *Heretochij*, or *dictores exercitus*, now Lord Lieutenants, or Deputy Lieutenants, which he proves by 28 *E.* 1. c. 8. 13.

the Reports of E. 2. *inter Memoranda Scac.* fol. 28. *Lambard's Archaion.* fol. 147. *Coke*, 2 *Inst.* fol. 174, 175. 558. But by Degrees, the Election of Sheriffs, Lieutenants, and Justices of the Peace was placed in the Chancellor, Treasurer, Barons of the *Exchequer*, Judges, and other great Officers of State (as by 9 Ed. 2. and 14 Ed. 3. c. 7. and 12. R. 2. c. 2.) who generally assign the final Fixation to the King and Chancellor. See *Dyer's Rep.* fol. 225. and 9 H. 5. c. 5 and 23. H. 6. c. 8 and 6. H. 8. cap. 18. — *Judicis Officium est, ut res, ita tempora rerum querere.* &c. *Vid. Anderson's Reports.* 2 Part 118. *Palmer's Rep.* 451. and 5 E. 4. rot. 66. *Stamford* in the Pleas of the Crown. fol. 101, 102. against *Non Obstante's*, &c. *Bulstrode Rep.* Part. 2. fol. 186, to 191. *Lambard's Archaion.* fol. 267. *Pryn's 2 Tome of Abridgment*, fol. 290. 292. 293. 301, 302. and 46. E. 3. Rot. *Parliament*, N. 7. 8.

Then he proceeds again to an Argument upon the Pleadings of the aforementioned Case, wherein says he, the Plaintiff does plead the Estoppel, for the Estoppel appears by the Declaration, and the Defendant's own Plea together, being Convict of the Crime, and consequently having elapsed his Time, and so coming too late to plead a Dispensation, being concluded by the former Judgment, since he might have pleaded that before: So that the Conviction upon the Indictment, is an Estoppel against the Defendant himself, who can never be admitted to aver against it (as in *Mayne's Case* in *Leonard's Rep.* Part 1. fol. 3. An Attainder for Treason is an universal Estoppel, of which any Stranger may take the Advantage, not only against the Party attainted, but against his Wife too, if she sue for Dower: It does not run in Privy. By *Manw.* chief Bar. where a Man is attainted by his own Confession of a Felony, a Stranger is not estopped, to say he was not guilty, but neither he that claims under him as an Entefee, nor much less he himself shall aver against the Verdict, that he is not guilty, as in *Knoil* and *Heymore's Case* in *Keble* 3d. 528. by Chief Justice *Hale*, That a Stranger cannot falsifie nor invalidate a Verdict. So if a Man be acquitted of Felony, all the World (says *Grevil* in *Kellow. Rep.* 81. b.) is estopped to say the contrary; and *vice versa*, if he be Convict, by the same Reason; *per Doct. & Stud.* 68. *ad fin. & b.* *Roll's Abridgment.* Part 1. 362. *Sid.* in *Jason* and *Kete's Case*, fol. 43. by Chief Justice *Bridgman* in *Audita Querela*, which is an equitable Suit at Law, and a dependant Action, as well as a Writ of Error, or a *Sci-re facias*, or an Action of Debt upon a Judgment, and not another Collateral distinct Suit. See *Siderfin.* Part. 1. fol. 94. *Saunders* Part 2. *Rep.* 101. in *Jacques, versus Cesar*, and *Dr. Drury's Case.* 8 R. 142. and *Maskelly's Case* 9 R. 68 and 7 E. 4. 1. Br. Estoppel. But in the distinct collateral Action of Assault and Battery, the Indictment and Verdict is no Estoppel, nor can so much as be given in Evidence, as was held by the whole Court, in the Case of *Sampson versus Yardley*

and *Toshil.* 19 Car. 2. B. R. *Keble* 2. Part 384, and 223. The like in an Appeal of Murder, So that upon the whole, 'tis evident that an Action of Debt, grounded upon a Judgment, is in the Nature of an Execution.

Now Sir Robert comes closer to Sir Edward, saying, "Because the King can dispence with some *Mala prohibita*, that therefore he can dispence with all, is no good Consequence but a wrong Inference, which Logicians call *Fallacia a dicto secundum quid ad dictum simpliciter*. It appears by the late Chief Justice *Vaughan* in the forecited Case of *Thomas* and *Sorrel*, fol. 333 and 334. *Sett.* 4. and fol. 342. That the King cannot dispense with every *Malum prohibitum*, and gives many Instances of such *Mala prohibita*, that are not dispensable, &c. *Rex non potest gratiam facere cum Injuria & damno alterius.* See *Poulton*, *De pace Regis & regni*, Cap. de Maintenance &c. *fuit hac sapientia quondam, Publica privatis discernere* &c. *Rex Creditor pene*, in Statutes for his own Interest, especially, &c. *Ex malis moribus bona oriuntur Leges.* It hath been a very frequent Practice for the King to make such Persons Sheriffs, as were none of the Number nominated or chosen, as aforesaid, by the Chancellor, Treasurer, Judges, and other great Officers; tho' it hath been resolv'd by all the twelve Judges to be an Error in the King, according to Sir Edward *Coke's*, 2 *Inst.* or *Magna Charta.* fol. 559; and yet tis practis'd to this very Day.

The House of Commons has been sometimes forc'd to submit it self beyond its Duty, as appears in the Case of Sir *Thomas Haxey.* Rot. *Parliam.* 20 R. 2. num. 14, 15, 16, 17 and 23. and 1 Hen. 4. Num. 91, &c. 3 Car. 23. *Maij* 1628. by Serjeant *Glanvill*, apud *Rushworth*, Part 1. 571. Rot. *Parliam.* 1 Hen. 5. num. 15 *Roll.* Second Abridgment, Tit. *Prerogative.* fol. 180. This Expression (not to infringe Sovereign Power) was propounded in an Addition or saving to the Petition of Right. 3 Car. 1. But it was not lik'd, and upon Reasons given at a Conference, those that did propound it were satisfy'd to lay it aside. It may be seen in the Memorials of the *English Affairs* Fol. 10.

Upon the whole I observe, 1. That neither Sir Robert *Atkins* nor Sir Edward *Herbert*, had by them or even seen, this Manuscript now first publish'd of this Case and Arguments at Bar, as is plain from Sir Robert's repeated *Hear says.* fol. 39, 40, and fol. 45. to this it was objected (as I hear) &c. fol. 49. as I now hear, &c. Sir Edward *Herbert's* short Account pag. 5. The Case (for I must state it upon my Memory, not having any Copy of the Record by me) &c. I observe secondly, Sir Robert says that there's great Reverence due to Sir Edward's Character, and to the said Judgment agreed to by all the Judges but two. fol. 49. — Neither does he take any Advantage of the late happy Change of publick Affairs, tho' he had hard Usage himself by a former Change of the Times. Thirdly I observe, That both wish'd for a Settlement

ment of the Case in Parliament, Sir Robt fol. 50. and *Passim*. and Sir Edw. p. 4. and 37. Fourthly, That both seem to agree, it was but a feign'd Action (like issues directed out of Chancery says Herbert, p. 34.) but brought by one Godden, between the Defendant and his Servant or Friend, and feignedly or faintly prosecuted, as well as not heartily or stoutly defended, says *Atkins*, fol. 58. Fifthly, both seem to agree, that there might have been indirect Means used for procuring of Opinions, but Herbert p. 34. knows nothing of it: *Atkins* fol. 57. says all good Judges knew, that many Judges were a little before them, remov'd (such as chief Justice *Pembroke*, chief Baron *Montague*, Sir *Robert Atkins* himself, and Mrs Justice *Levins*, who had serv'd in the West under Lord Chief Justice *Geffreys*) because they could not swallow this bitter Pill of the dispensing Regal illegal Power, and others before mentioned brought into their Places as might be justly suspected to serve a Turn, and the King's learned Council could not at first find out this Prerogative to do his Work with, till so many Ways had been attempted, and all prov'd ineffectual; sure in such Circumstances it had been Prudence, nay the Duty of the Judges, to have refer'd the Determination of it to a Parliament, and the rather because it was to expound a Law newly made, and the Consequences so dreadful and the Intent of the Law-Makers so evident—since in that very Parliament the King had first endeavour'd to have gain'd a dispensing Power in this Matter from both Houses, which yet out of too great a Compliance with those Times, had over-looked so many Grievances, and connived at the King's taking and collecting of the Customs, (tho in truth, the Collectors, and all that had any hand in receiving of them, incur'd a *Præmunire* by it) not to mention the ill Artifice used in gaining the Excise; yet that Parliament of the King's, bogg'd at the Dispensing with the Act of 25 Car. 2. knowing the mighty Importance of it.

Sixthly, I observe, Sir *Edward Herbert* very notably denies (*Pag.* 23.) the Consequence from the Abuse of the Power, against the Being of the Power; as that the King may pardon Felony and Murder, yet not promiscuously without end; so the King can create Peers to sit and Vote in Parliament, yet he can't create Ten thousand Lords, or every one that asks or desires it. But with his leave, the Consequence is well argued from an Abuse of the Power, to the Necessity of a legal Limitation of such a Power.

Seventhly, we may observe, that *Herbert* would have us believe (*Pag.* 29.) That, when the King's Right was endeavour'd to be asserted by a Dispensation granted to himself, he utterly denied the Dispensation to be of any force at all, because there was a particular Right and Interest vested in the Members of many other Corporations, of choosing their own Head.

Eighthly, *Dispensatio mali prohibiti est de Jure Domino Regi concessa propter impossibilitatem providendi de omnibus particularibus; & Dispensatio est mali prohibiti provida relaxatio, utilitate seu necessitate pensata*, says Herbert, ex *Coke*, 11 Rep. p. 88. and *Vaughan*, Rep. p. 333. *Dispensatio Jus dat, &c.*

Ninthly, as tho (says Sir *Edward Herbert*, p. 7.) the King's Declaration of *Liberty of Conscience*, whereby all the Laws that concern Religion are at once totally Suspended and laid asleep, were warranted by this Judgment in Sir *Edward Hales's* Case: Let that Declaration stand or fall upon its own bottom: I am sure the Case I am now speaking of, has nothing to do with it. Says Sir *Ed. Herb.*

Tenthly, 'Tis very observable, that Sir *Robert Atkins* took not the least notice of this Apologetical distinction interjected by the Lord Chief Justice *Herbert*; Nor indeed does *Atkins* take any notice at all of that Case of the Petitioning Bishop, nor of their Imprisonment nor Tryal, nor Discharge, tho his Courage misgave him to venture the Publication of his Learned as well as legal Argument, till the Bishops Tryal was over, and even till *K. James's* Reign was over, whom Sir *Edward Herbert* presently followed, to make his Case the more secure at, or near *Paris* in *France*, where he liv'd for some Years, and died there with his fatally dispensing Judgment, not without some generical adhesive Sentiments of his former Protestant Education in the Church of *England*; that is, he did no more conform to the Publick worship of the Church of *Rome*, than he did to the Protestant Government of his own native, defensive and self-preserving Church and State. 'Tis true, Sir *Edward Herbert*, would needs persuade himself and others, by his words abovesaid, that this Case of Dispensing with one or some particulars, is not so bad or dangerous, or at least not of the same kind, as dispensing with the Penal Laws for *Liberty of Conscience*; but under favour, I take it to be worse, both as to the Causal sharpness of its efficient Pungency, and as to the incertain fatality of its dubious and endless Consequences and Effects: For first it was in reality the leading Card to all the Popish attempts of that Reign upon our Constitution; 'twas the very ground-work of that ambiguous, designing and precarious *Liberty of Conscience*; since, 'tis self-evident, if 'twas legal to dispense with one, it might be as legal to dispense with ten Thousand, or any other indefinite numberless Numbers more; which being gradually and personally as well as incertainly and unexpectedly always a doing, was likely not only to be taken for a continual Handle upon any Party Design; but also 'twas likely to be a standing Stalking-Horse, ready Sadded, for any illegal partiality, or private or publick revenge, and gradual or insensible inversion of Church and State: For Example; Suppose, *K. James the Second*, had granted a Dispensation to *Broomfield*, the Quaker,

alone, to exercise his Religion publicly and openly through all England, so that he alone, or some commissioned only as his Subalterns, could cause Meetings to be built, new Quakers to be raised or profelyted (as Sir Edward Hales, by virtue of his Dispensation and Commission of Colonel, might have raised Papists for the recruiting or composing of his whole Regiment) how and when he should think fit, would doubtless have laid asleep and suspended at once all Laws concerning Religion, as bad, if not worse than the Declaration for Liberty of Conscience; for such a Dispensation would have been more Dangerous, as being more Arbitrary, as well as more provokingly Injust, even to other Dissenters themselves, who had as much right to be indulg'd and tolerated by dispensing with Laws as any particular Quaker, or any other one single Sect, or rather infinitely more. So that 'tis plain, to dispense with one, in particular or by Name, is as much stretching and overturning the Laws, as dispensing with whole Societies or Congregations of the like Kind, which is the natural Sequel of the first peculiar Act: As it plainly appeared, after Chief Justice Herbert's giving Judgment for the Legality of Sir Edward Hales's Dispensation, Judge Street, who was the only one upon the Bench, that thoroughly opposed it, was turned out, and Popish *Alibone* dispensed with all to be one of the Justices of the King's Bench in his Room: And one *Hall of High Meadow*, a noted Papist, was dispens'd withal to be High Sheriff of Gloucestershire with a Vengeance of a *Non obstante*; not only as an Expletive of the Executive Power, supplying some dubious Deficiencies in some Circumstantial of a Commission substantially legal, as to the main (without which suppletive Power, Legalities, could never in all minute Particulars be Regally executed) but also as a commutative Capacity, or rather as a destructive Equivalency in opposition to the *Vitalities* of the Legislature: For doubtless, Tests of Religion, were always esteem'd such a *Vital* part of the State and Government: and Sir Edward Herbert knew very well, that the High Sheriffs were oblig'd to take an Oath to prosecute those, that the Popish Government then, called *Lollards*, as Hereticks or Nonconformists to the then established Church; and he was as well apprized, that not one of our Regal Powers durst dispense with any Sheriff from that Oath, though not imposed by Act of Parliament, as the Test was in Hales's Case; but by some of our Kings themselves, as I take it, and continued as common Law, till after King Charles the First's Reign. But it is the Office of Judges to advance Laws made for Religion, according to their End, though the Words be short and imperfect. See *Hobart's Reports*, fol. 157.

Lastly, I observe, That the Resolution of all, or most of our Judges, in all Reigns, were often influenced by the Court-royal Power, to stretch

the Prerogative: for, as Sir Walter Rawleigh remarks in his History of the World, Lib. 3. c. 3. Sect. 10. Judges always had either Laws or Distinctions in store to satisfy Times and Kings, who sometimes rather over-rule the Law by the Lawyers, than rule over Nations by the Laws. Such, for Example, were the Judges, *apud Dyer*, fol. 303. who in complaisance to the King, resolv'd, that the King by a *Non obstante* might dispence with the Statute of 17 Rich. 2. c. 5. which enacted, *That no Aulnager or Weigher of Wool, shall have any Lease for Life or Years, and if any Charter Letters Patents be made to the contrary (the Statute says) they shall be Null and Void.* Such also were all the Judges of England in the Exchequer Chamber, 2 Hen. 7. fol. 6. who had the Question put to them by the King's Council, by way of Consultation, which they did not seem to Argue or to deliberate upon, nor upon any such Case that came judicially before them, yet they did hold, That the Patent for the Sheriff's Office was Good to the Earl of Northumberland for Life, either because the *Non obstante* in it, is to the ancient Statutes, 28 Ed. 3. c. 7. and 42 Ed. 3. c. 9. as to those two Acts alone, as Judge Brook abridges that Case, *Tis. Patent's Case*, fol. 109. without taking the least notice of the Statute of 25 H. 6. c. 8. which makes the Disability; Neither does any of the Judges, except *Ratcliffe*, say any thing of the *Non obstante*: or, because it had been an Office of Inheritance, and so within the Exception in the Statute of 23 H. 6. c. 8. Or else, because those Judges did but *ad pauca respicere & de facili pronunciare*: though *Judicis Officium est ut res ita tempora rerum querere.* Or, because Henry the Seventh's great absolute Power and pretended Title of Conquest, might probably have some Influence upon that resolution of the Judges, being so early after his Claim, and violent Accession to the Crown. See 6 H. 8. c. 18. Thus all the Judges, almost to a Man, in the two subsequent Reigns, except some very few above mentioned in the First Part of this Lawyer's Post, were generally for carrying the Prerogative as high as the Court Regal thought fit to over-rule the Courts Legal. The same may be said of the three subsequent Reigns in a great measure: and especially in the next, King Charles the First's Reign, as appears by the unanimous Resolution of all the Judges in the Exchequer Chamber also, in the Case of *Hamden* against the King, for refusing to Pay his small quota of about Twenty Shillings assessed upon him by the Sheriff of the County for to raise Money to build a Man of War towards the Securing of our Coasts and Trade, by virtue of a Warrant directed unto him for that Purpose. In the Debate upon *Hamden's Writ of Error*, as well as in a Juridical Consultation of all the same Twelve Judges, it was resolv'd by all, except Mr. Justice Crook, that the Regal Authority had a Legal Power to levy the said Ship-money without Consent of Parliament: which Opinion must

must have been given purely and solely to Please the Court Regal, in full defiance of the standing Rules and Grounds of the Courts Legal and Parliamentary: Yet the learned Judge, Sir William Jones consented to it, with this Proviso only, That the Money so Levied should be immediately apply'd accordingly, and never come to the King's Coffers: But Sir John Bramstone, then Lord Chief Justice of the King's Bench, and Sir John Banks, then Attorney-General and afterwards Chief Justice *de Banco Communis*, and Sir Edward Littleton, then Solicitor-General, but afterwards Lord-Keeper of the Great Seal, with several others of the same Eminency in the Law, gave their Opinion more roundly for the King's Ship money. Though some will have it that Sir Richard Hutton was against the Court, others say not: yet there was an Action brought against him upon that Account; as appears in the lately printed Tryal of *Hamden*, in a thin Folio, as well as in the respective Records themselves, and elsewhere. As to *Oliver's* Tyrannical Anarchy, 'tis well known, what Tools the Republican set of Time-serving Judges were made of then. See the First Part of this Lawyer's Post, *Passim*. The Restoration of Monarchy and Loyalty begun with making *Forrester* L. Ch. Just. of the K. B. and *Bridgman* L. C. J. of the B. C. and Sir *Mathew Hales* L. Ch. Baron; and went on with uninfluenc'd able Judges all along, till L. C. J. *Scrogs*—seem'd willing to think (freely or unfreely, I know not) the Court-Royal so far always in the right on't, that he thought it also no bad Law to Sympathize, even to Extremes, with the *State-Motions*; for, when the *Ministerial Court* order'd the Legal Court to Prosecute the Popish Plot with Vigour, he threw himself into such a Calenture with the *Pleas* of the *Crown*, that he seem'd to be the *Capital Finisher* of the Law, in good earnest: But when the Court Regal thought there had been Prosecution enough to serve its turn, and that it was time to look about for fear of a more effectual Presbyterian Plot, he judg'd the polite Motion so legal, that he seem'd afterwards to Brow-beat the Popish Plot Witnesses, and to discredit the whole in open Court; till at last the Zeal of Whigs in Parliament thought fit to impeach the said L. C. J. *Scrogs* for undervaluing and slighting so material a Thing for the good of the Nation as the vigorous prosecuting and believing of the Popish Plot was Voted to be: Which Impeachment the Court thought it also as fit to be answer'd by *Scrogs's* Submission in an humble Demission of his Capital Seat of Judicature; which was done also by his Successor *Pemberton*; but upon another account, viz. for his being too straight-lac'd in his Common Politie as well as Legality. In King *James* the Second's illegally designing Reign, turn-serving Judges were selected and seated in most of our Judicatures, *ad bene placitum Regis*, during the Royal Pleasure. In the next Reign there crept into the complement

of Justices *en lay*, some very weak Brethren, such as *Giles*, *Goody P*—s, *T*—son, *N*—il, *R*—y, *Hatchel*, *Lovel*, &c. but as the Change of the Judge-making Style as well as of all the other Scenes of Affairs became very seasonable, with the welcome News of *Quam diu se bene gesserint*, when applied to a *Holt*, a *Pollenfen*, a *Treby*, another *Powell*, a *Hutton*, and some few more; So it became very nauseous and tiresome, if not pitiful and burdensome, when entail'd upon those first named Juridical Tenants for Life. 'Tie true, Queen *Anne's* Accession to the Throne, and renewing of the foresaid Judge-making Writs, did Ease the Bench of some of that Useless Lumber, though some of them continued still all along to sit heavy upon those Venerable Tribunals. Not but that there always were some of our Judges, very Eminent for their Patriot Spirit and Integrity as well as for their great Learning and Ability; in which Number may be reckoned of Old, the brave *Roger de Thurbky*, Judge of the Court of the Common Pleas, in the Time of *Hen. 3.* who, upon the Hearing of a Patent produced in *Westminster Hall* with the Clause or Addition of *Non obstante; ab alio ducens suspiria* (says *Math. Paris*, pag. 760.) *de predicta adjunctionis appositione, dixit, heu! heu! hos ut quid dies expectavimus! ecce jam Civilis Curio exemplo Ecclesiastica coinquinatur & a Sulphureo fonte rivulus intoxicatur*, &c. Such were all that Set of undaunted Judges, in 34 *Hen. 6.* in Sir *Edw. Coke's* Second Institutes, fol. 559. who declar'd unanimously that the King did an Error, when he made another Person Sheriff of *Lincolnshire* than was chosen and presented to him by those great Officers, after the Effect of the Statute, &c. Such also were the intrepid Judges, in 5 *Edw. 4.* rot. 66. who before the King himself did declare one *Thomas Winter*, to be *inhabilem ad officium illud Clerici Corone in Banco Regis, pro commodo Regis & populi sui exercendum*, and he was laid by, and one *Roger West* was put in, at the Recommendation of the Judges. See *Palmer's Rep.* 451. *Anderson's Reports*, the Second Part, p. 118. *Prim's* second Tome of Records, fol. 504, &c. Another late Instance of the Integrity of our English Judges, was express'd in these terms: "But this being a Matter, which upon Application for a Prohibition, on behalf of the Persons, who shall be prosecuted (in Conviction) may come in Judgment before such of us as have the Honour to serve your Majesty in Places of Judicature, we desire to be understood to give our present Thoughts with a Reserve of an entire freedom of altering our Opinions, in case any Record or Proceedings, which we are now Strangers to, shall be laid before us; or any new Considerations, which have not occur'd to us, be suggested by the Parties, or their Counsel, to convince us of our Mistake. *T. Parker, T. Trevor, J. Powell, Ro. Price, Ro. Raym. Soll. Gen. &c.* May, 5th, 1711.

But

But of all the Bar-Lawyers there never were but very few that ever stuck to Integrity in spite or sight of their present Interest or Court-Influence: amongst which may be reckon'd the foremention'd Mr. *Atwood*, (besides some few others, mentioned in the First Part of this *Lawyer's Post*) who nevertheless had the hardest Fortune that ever could be imagin'd: All the Preferment he could obtain of his fellow Whigs when they prevail'd ever so much in the Administration of the Government, was to be sent as Attorney-General to some of our Plantations, where his Indigencies made him act, or consent, to some mean Things which were by his Enemies, and the ingrateful brother Whigs, constru'd to be little less than Misprision of Treason, and accordingly was brought over as such, and dy'd soon after. Not much unlike Misfortune happened to another surviving Law-writer, the Learned and Ingenious *William Nelson*, of the *Middle Temple*, Esq; who, it seems, seeming to make some Mistakes as to some Depositions of Persons when he was Justice of Peace in the County of *Suffex*, or thereabouts; insomuch that he suffer'd so much in his Reputation ever after to that degree, that he *could* never rise to reap the Fruit thoroughly of the excellency of his Law-performances, though they equalled, if not surpass'd those of his Cotemporary, the Cautious & *Lucky Danvers* of his neighbouring Society of the *Inner-Temple*: But his greatest Misfortune was, that he never had the Interest to be chosen Member of the House of Commons, which now adays is the only Step to higher Preferment for Lawyers of far lesser Parts and Abilities than the said *W. Nelson* is certainly known to be; though he is thought to have doubled the *Cape* of Whig and Tory, as well as the more lucky Law-Professors. 'Tis very observable what a late great Sergeant said (before he was Lord Keeper) "That Judges upon the very Commencement of their Office, took always upon them such Ayres of Severity and hardness of Genius, and harshness of Nature, that they seem'd ever after to be Persons or rather Actors of merciless Tempers; which they commonly would feign seem to moderate by seeming in the first part of summoning up of the Evidence, to favour the *Party*, which they seem'd resolved to fatally depress in the winding up of the bottom. See Sir *John Doderidge's English Lawyer*. Describing a Method for the managing of the Laws of this Land, and expressing the best qualities requisite in the Student, Practicer, Judge, and Fathers of the same; in 4to, &c. The fore-said lucky Serjeant, is commonly censur'd to have been formerly in the course of his Bar-Practice very much addicted to quote Law-Cases and Law-Reports of his own Extempore-framing, and adapted to his present Cause in Hand, which upon an Interview or Inspection, and Collationing of the said Cases and Reports with his pretended Allegations and Authorities, could never be found verifi'd in or

by the Law-Books by him cited and referred to in his occasional Pleadings: insomuch that some of the Judges pretended they could not relye upon his Occasional Authorities to frame their respective Judgments or Rules of Court upon, before they had consulted the Originals and Allegations themselves; which did put many of them to unusual Labour, or to more than disused Studies; to which some of those grave Goody's seem to have far greater reluctancy than to read the *Law-flights* of the ludicrous Poems on several Occasions, published lately by the High-flying State-prior Poet; whose mean Poetick Fancies, not unlike *Tom Thumb* in *Folio*, were eagerly subscribed to, to the great Edification of the Law-bar and Bench, by the old Tribunalists, *P—s, T—y, B—n M—e*, and some others of the Law-cyphering *Maestres en la ley*, who would scarce subscribe so willingly to *Law-reports* especially those of the Ingenious Mr. *Nelson's* Publication, or any body's else, that really wanted help and encouragement to subsist as well as to publish any thing upon Law or Gospel; for the first of those heavy Judicators, repuls'd a poor Law-Author with this grave Axiom of his Law and Gospel, that he would not accept of the said Law-Author's *Present* of Books, least poor Authors should expect him to pay their *Rents* for them: and the last decypher'd Law-Cypher gravely Judicated, that the said *Present* of that Law-Author, was not worth *three Straws*: and yet that those very same Black Judicators should judge the fore-said ludicrous Poems on several Occasions to be worth three Guineas a Volume. and that those senseless and useless Poetick Trifles should be so encouraged as to be usher'd into the astonish'd World, with so much unnecessary Vanity and even scandalous Prodigality of large Print, Imperial Paper in Folio, and Magistratical Subscriptions, is something beyond all Signs of *Admiration*, and Tokens of *Exclamation*, or even beneath as well as beyond the lashes of *Declamation*. Especially if we do but consider the Author of those merry Canto's on several Occasions, is notoriously more than suspected to have been all along as well as at present disaffected to this present Government; yet encourag'd by most of all the greatest and gravest Whigs as well as Tories, Virtuoso's, young Gentlemen, old Poets, Male contents, Cassacks and Ladies, with Grooms, Drawers and Footmen.—*Equidem non invidio sed miror images*: Yet I can't forbear in the fulness of my amaze, to repeat what I said upon another occasion of High-Church-Miracles, *Jacobite* Perjuries, Tory-Inconsistencies, and Whiggish Selfishness, *Viz. Stupete superi, vosq; Infernales stupete Lemures*. Neither can the Surprise be well much less, when we consider what could move the Superannuated great little Sage of the Law, Sir *E. N—y*, to subscribe Three Guineas for that Poetick *Tom Thumb* in *Folio*, who not long before reject'd with Scorn a Law Essay; which, as was suggested to him, had been accepted of, by the

chief

chief of the Judges: and when the Lawyer-Author told his Attorneyship that he was Poor, and very much reduc'd; his Unchristian and even unhuman Lawership had this *Specious Plea* of legal tenaciousness, *Secundum formam Statuti Barbarorum*, ready at hand, replying very despotically as well as cruelly, That *he did not care one Farthing for that*, or any other extremity of Indigency in him, or any other Lawyer-Author; notwithstanding his Condescendency to enrich a high-flying State-Poet; who possibly might upon some other Tory-turn of Affairs, contribute to the confirming of his unreasonable Pension of 1500 *l. per Ann.* because he had the favour given him of an opportunity of raising up an Estate unmeasurably excessive for a drudging Law-Practitioner, and more capable of a *Baronny*, than that of his outrageously ambitious petty Successor; who to satisfy his own avaricious Haughtiness procur'd the foresaid Pension from the Publick Revenue for the t'other antiquated Gentleman, that he might succeed him in that Ambitious Post, whence he had been once deservedly repuls'd for his impertinent Pertness and insolent daughtiness to his unattainable Superior in all respects. But as to the Encouragement given to the Prior-Poet's Ballads in Folio, by 2000, and upwards, of the richest Persons of all *Britanny*, is wholly owing to a certain High-tory-Party, whose Drudge he had been, even to the saving of some of their Lives, as 'twas thought: and for to requite him, the Party thought it most safe for their Persons as well as their Purles, to find out some Ways and Means to draw in, the Whiggish Party for to help to cancel the Tory-Obligations: In order thereunto, the Abdicated Statesmen pitch upon two young L—s of their own Party to pick up Subscriptions for the Printing and Selling of the said Prior-Ballads in Folio, whereby their former Poetick State-Drudge was to be 2000 *l.* clear Gainer. Accordingly, the L—s, B—t and H—y ran up and down like Porters with proper Tickets, and All-party-tokens for to sollicite more efficaciously in the compleating of the said Poetick discarded State and Faction-Subscription-party-brief, which may be seen prefix'd to the said Prior Poems on several Occasions or Ballads in Folio, with the amazing Names of all the most considerable Persons, both Young and Old, Male and Female, Clergy and Laity, of all our ever so Antipathetick Parties, Sects, and Factions. Not much less surprizing a Stratagem was compass'd not long before by another L— of the same High-party-Rage for the better Support of the Poorer sort of the Party-Tools; who having had an Opportunity of inserting his own Name into the Commission of great Governours of a certain H—ll, moved the Honorable Board about a Year and a half ago, that all the Governours should Pay or give 100 *l.* into the Hands of the Dr. of Physick to the said H—ll, for the Use of the House, which certainly was very unusual; especially to make the House-Physician the Treasurer

thereof; since there always was a distinct Treasurer as well as a distinct Master of the H—ll, into either of whose hands all the Cash and Donations were to be deposited, according to the Rules of the House and Testament of the good Founder. But the Medicaster, it seems, was a poor high-flying Artisan, and even *Sacherevel's* Physician, and therefore to be encourag'd also with a glorious new House built on Purpose for him, which was never done for any other Physician since the Foundation of the H—ll: For the honest Founder never intended to grease fat Swine of Drs. in the backside, out of that Money which was so religiously design'd for the Maintenance and Subsistence of the Poor only, and not for to enrich Drs. of Physick or Divinity; whereof one, who has 1000 *l.* a Year at least in Benefices, had the Conscience lately to get one Son upon the Foundation of the H—ll, and the t'other upon that of *Westminster*; tho' at the same time gave his Daughter 2000 *l.* in Marriage to a topping Mercer. So the Drs. of Physick, as well as those of Divinity formerly always were the grand Incumbrancers and Convertors or Trovers of most of the Foundations in *England*: Yet some of those Drs. have so much *Brass* as to pretend they lend those H—s now and then some of their own Money, as the Pharisaical Master of the foremention'd H—ll often Vaunts he very liberally do's; especially since the late Treasurer had run away with the House-money. So Lay Stewards of Gentlemen's Estates, often Lend their Masters their own Money, and at last Borrow the whole Estate to themselves upon the Doctoring Fund of Advanc'd Money.

But to return to our foresaid State-Poet's felic-Ballads we must observe, that the most valuable Canto of all *Tom. Thumb's* Folio, is the first Farrago of the huddle Medley of Tories and Whigs of the deepest Dye: Though 'tis something Strange, that he would omit that Plagiarist shift in this Edition, which he so shamefully committed in two or three former Editions (under his own Name) of the Ode, which begins, with *How long deluded Albion wilt thou lye in thy Lethargick Sleep, in which thy close, thy constant Enemy has often softly lull'd thee to thy Woes?* &c.) 'Tis true, the Style of that Ode is so different from Prior Cants, that 'tis no little wonder it should ever be taken by any one for any other than *Stepney's* Pithy Performances which surpass, *infinitis Parafangis*, any thing that the Prior Poet is any ways capable of; nor but that Canting State-Priorist has inserted in this Folio Edition his own Genuine creeping Odes in Praise of *K. W. a la faffon*: But his Knack seems more level'd for Burlesque than any serious Subject: witness his Burlesque upon great *Boileau's* French Pindarick Original, in a feint imitation of the Ingenious Burlesque of *Virgil's Aeneids* in English, *Hudibras*, *Boileau's Lucretia*, *Garth's Dispensatory*, and *Pope's Rape of the Lock*; which Original Copies were of too high an Elevation for any Emulation of his poor Drawings or Rakings.

after. Not but that his *Mat.* and *Dick*, may have their proper place and use in Politico-Poetick Hypnoticks, made up in a Bolus of a Duodecimo size, for Epidemick Distempers; but by no Means fit for to be an Ingredient in the *Nepenthe* of Polite Folio-Heroicks. Though in the Tory-reign-Edition of his Duodecimo-Poetick Politicks, the foremention'd Ode, in respect to its true Author, was justly as well as Modestly also left out; yet there were some Latin Patch-work in Imitation of *Chaplain* and *Pernault's* French Rhymes, which are with a great deal of Critical discretion omitted in this Folio Edition: Which I suppose will be the fate of the Latin Versification call'd *The Resurrection*, and the Latin Transposition of the Judgment upon the Classical Poets in the Jesuit *Strada's* Prolusions (Printed at Oxford, in 1662.) when the Whig State-Poet shall think fit to Publish his Campaign and Travels, with the rest of his Canonick Poeticks, as well as Politicks, in Folio: For his Latin Essays will scarce do his English Miscellanies any great Credit; nor will they stand good to any common Intent, (no more than those of the *Prior* State Poetry, unless it be for the same special Purpose, as the Tory-State Poet's rory-friends intended by this Folio Poetick Edition, viz. to unite the Whigs and Tories for once to make up a seasonable Farrago or Concert of Occasional Liberalities taken in a mix'd humour, to supply some Politick *Vacuum's* and fatal Concarvities of Deficiencies of *Funds*, that often attend State-profits, as well as State-poets: But, 'tis supposed the Whig State-poet will scarce stoop to so mean a Lure; especially since his double lucky hit, of a State-Pension and quality-Hymen: though 'tis thought the Tory-State-Poet halted before he was Lame, and that his Politicks were more refined than his Poetry: for 'tis not reasonable to imagine, that the Effects of so many private Interviews through the *Versalian* Posterns with *Mon Louis* and *Maintenon*, should be so transitory as not to fix a Sufficiency even a Tory-rory Livelihood for a single Man, who, to give the D—l his due, seem'd always more inclin'd to the Ambition of Plenty and Ease than to Profuseness and Prodigality; and how little soever he had of the refin'd Poet, he had far less of the Spendthrift and Debauchee: and his small remnant of indigested Philosophick Poetry was fence enough against more *Attendance* and *Dependence* than was absolute necessary to maintain his unexpected, though perchance not undeserv'd, rank of novel Gentility. However, his parsimonious Oeconomy and politick fear of being reduc'd lower than his Tory-commencement of a *Man of Fortune*, suited very well, as it happen'd with the Tory-Politicks, who were glad they had found out some ways and means to ease themselves in some measure, and for a Season at least, of the Burden of an unavoidable Pensioner for Life, in respect to their own, by drawing in most of the Great Whigs, Male and Female, into the Secret for Cakes and Ale, or rather for a

Poetick Banquet, whereunto they contributed very near as much as the Tories, to make up the *Prior* Poet's *Present* of 2000 *l.* or thereabouts, which much good may do him; and that he, and honest *Dick*, may still enjoy the annual Tory-Pension besides. This plainly shews, that the Tories are not only more free and generous, but also more politick State-Gamesters than the Whigs, who would never have been at that expence of Labour and Cost to uphold any of their Party, that was ever so much a sinking, after their Turn was serv'd; which *Mat* and *Dick* were very well convinc'd of: Therefore they were resolv'd to stick to the Tories, happen what would: And were likewise resolv'd to get what Whiggish Money they could, without quite abandoning the Tory-Politicians: In order thereunto, the *Prior*-Poet in State, never put the Whigs quite out of hopes of coming at some Tory-Secrets, that his foreign Arrears and *Non sum Solvendo's* might be discharg'd, as well as he himself maintain'd while he should be in *Salva Custodia* out of the Whiggish Emoluments, in spite of their narrow-soul'd parsimonious Tempers, or rather Distempers. But this Tory-Poetick Politician has one Expression, in one of his Folio Prefaces, which puzzles both Tory and Whig; viz. That he *is in the condition of a Culprit, and the Publick are his Judges.* The word *Culprit*, may be deriv'd either from *Cul* and *Prit*, signifying a Person taken by the *Bum*, or from *Coups* and *rit*, importing, One that laughs at his own, or other people's Faults; Others will have it deriv'd from the English words *Cully* and *Prate*; but the most Politick resolve it into the only proper Signification it can have in that situation, viz. a Tool of State, or a State-Cuccow, in spite of all the Rules of Etymology.

How much encourag'd soever by some of the grave Sages of the Law, as well as by other great Tories and Whigs, the foremention'd High and Low State-Poets prove to be, there is a little diminutive Catholick Pope-Poet, that surpasses them both in the Art of genteel English Rhyming, as well as in all other parts of Literature, and not behind them in the lucky knack of procuring Pension-money, and Intecest or Contribution as well as Favour and Conversation with the same most considerable Whigs and Tories of both Sexes, and still more particularly gracious and familiar with all the Romish Catholicks; whose real Estates here in *England*, amount to little less than Five hundred thousand Pounds a Year; as appears by the late Report made by the Commissioners of the forfeited Estates; and peradventure their *Interest* in *Scotland* and *Ireland* may be moderately computed to fall not much short of the *Catholick* Prowels in *England*, besides the foreign Popish Contribution and Encouragement. With all this *Surcroix* and auxiliaries of Advantage, 'tis no great wonder that little *Alexander*, the Catholick Poet, extends his *Abilities* in every respect beyond the Boundaries of the foresaid two Protestant Whig and Tory Poets; especially if

we call to Mind the *Dispensing Power*, which that Englifh Poetick Pope feems alfo to lay fome Claim to, in one of his Prefaces to fome of his Englifh Rhimes; where he fays, "That 'tis a Bleffing or Privilege peculiar to Catholick Poets, that they may be any Thing, or *ſay* and *ſubſcribe* what they pleaſe, and what pleaſes others, if they think it fit to fill up their *Rhime* or *Interſt*, or otherwiſe proper for the Advantage of Rhiming or Verſifying *pro hic & nunc*; or, *pro re nata*, as Phyſicians have a *Dispensation* to Kill or Cure. Or, as Papiſt Soldiers have *Dispensation* to ſerve under a Proteſtant Prince, to ſerve a Turn: Or as Faithful Cummin, a Dominican Friar (if Rob. Ware's MS. be true or coherent, *ad ann.* 1567.) had a *Dispensation* to turn a Proteſtant Diſſenter for to breed Schiſmatical Diviſions in the Church of England, and then to turn Roman again for to receive his *Premium* from the Pope; Or, as the Scotch Proteſtants, who turn'd from Popery in the Beginning of the Reformation, had a *Dispensation* to ſuſpect and queſtion one another's Sincerity, as to their being true Proteſtants, or no; by reaſon of ſome *Dispensations intercepted*, whereby the Scotch were allow'd to Say, Swear and Subſcribe any Thing, provided they remain'd Romaniſts in their Hearts, and intended to propagate Popery underhand, while they turn'd Proteſtants openly and outwardly; as the Scotch Archbiſhop Spotswood ſays, in his Hiſtory of the Church of Scotland *ad ann.* 1588. Lib. 6. p. 308, 309. Or, as about 20 Years before, the Jeſuit Thomas Heth had a *Dispensation* to turn a Proteſtant Diſſenting Puritan, and to pray without Book, under pretence of Reforming the Church of England into a more Pure Proteſtant Congregation; And at laſt it ſeems, had a *Dispensation* to poiſon himſelf in Priſon; if there be any Senſe in the Words, or Truth in the Relation, as manag'd out of the Rocheſter Register-Book (which begins 2 and 3 Phil. and Mar. and continu'd to 15 Eliz. *ad ann.* 1568.) by the Tory fiery Zeal of one of the High Church againſt Proteſtant Diſſenters as well as Papiſts, in his High flying Pamphlet, Entitl'd, *Popery and Schiſm equally Dangerous to the Church of England*, the Second Edition, Lond. 1715. Oct. See *Pag. ibid.* 33. and *alibi paſſim ibid.* viz p. 37. where he proves out of other Original Records; eſpecially if not chiefly and only out of thoſe undisputable ones of Dr. Titus Oat's Narrative; That the Jeſuits have a *Dispensation* to preach amongſt, as well as to rebel with, the Proteſtant Diſſenters: And we cannot (ſays the over-zealous Tory-Author, *Ubi ſupra*) without bringing a manifeſt and dangerous Diſreputation upon the reſt of Dr. Oat's, the fiſt principal Discoverer's Evidence, but believe him, when upon his Oath he aſſures us, That the Jeſuits creep in among Diſſenters, under the Diſguiſe of Non conforming Miniſters, to divide and exaſperate, to raiſe and blow up Animofities and Calumnies, into actual Rebellion againſt the Civil Government, under a Pretence of their diſlike of the

Eccleſiaſtical. The ſame Tory-Author (who for the quantity of his Faith, might move Mountains, as well as for the quality of his Zeal, he ſeems qualify'd to lead up the Maccabees to Martyrdom, in ſpight of Rebellion and Swine's Fleſh) told us a far more audible Tale before, in Page 6. Thus (ſays he very modestly, without bluſhing or ſmiling) *I have been credibly inform'd, that a St. Omer's Jeſuit Declar'd, that they were Twenty Years hammering out the Seſt of the Quakers; and whoever conſiders the Positions of thoſe people, will eaſily be induc'd to believe them forg'd upon a Popiſh Anvil.* A Reader muſt have an Oſtrich-Stomach to digeſt ſuch Party-Romances. As for my part, I muſt neceſſarily own, I am tempted to think the Author of that Popery and Schiſm, was one of the fiſt-ſiz'd Jeſuits in Diſguiſe, and had a double Portion of their lying Spirit or *Dispensations*, to ſay, ſwear and ſubſcribe, whatever he thought ſhould be then (in the Tory-Miniſtry's reign) pleaſing to High-Church Whimiſies. I am ſure he could not do a greater piece of Service or Drudgery for the Jeſuit-party-Rage, than to Overcharge thoſe Jeſuits (wicked enough, God wor, without ſuch Chimæra's) and all their indefatigable monſtrous Zeal: for, 'tis certain, the only way to diſcredit all what is charg'd upon a guilty perſon, is to load him with highly improbable Crimes and inconfiſtent Miſdemeanours; whereby the true Charge is ridicul'd and utterly diſcredited and laid aſide, or forgot. Such *Dispensations* were thoſe that the late E. of S. and Mr. Effington and Timothy Nurse of Glouceſterſhire took up with in K. James the Second's Time; when they turn'd Roman Catholicks to ſerve a Turn, and then turn'd back again, to ſerve another turn: Such are the *Dispensations* of the Free-Thinkers or Bangoriſts, to believe what they pleaſe, or not believe any Thing at all; as well as not to ſubſcribe any Form whatſoever, and even not to Subſcribe, that one and two makes three; or that three and two makes five; or, conſequently that there is a God, or infallible and undefiled Scriptures; or that there's any thing certain and abſolutely neceſſary to be believ'd by all, in the ſame Way and Form; or that there's any thing ever ſo well known, that is to be ſubſcrib'd to, in Prejudice at leaſt of that Darling Prerogative of Mankind's Free-thinking, and free-believing or no-believing and not ſubſcribing as aforeſaid. Such are the *Dispensations* that ſome Proteſtants take, as well as Papiſts to turn Arians, Deiſts, Soci-nians, Muggletonians, and Atheiſts, and conſequently to commence Infidels. Such in ſhort, are the *Dispensations*, that all Sinners and wicked Mortals do freely take to diſpenſe their Indiſpenſable Liberty and Unlimited Property of Sinning and offending againſt all reſpective Laws, more or leſs, whatſoever. But we muſt not fail to obſerve, That thoſe *Dispensations*, how indiſpenſably ſoever Liberty'd or Property'd or privileged or appendiculariz'd or inherent, or ancient or Natural or Cuſtomary and belonging to the Diſ-

penſing

penſing Power of Human *Diſpenſation*, have their Origin nevertheless but from a very *Corrupt* Charter of the *Fleſh*, the *World*, and the *Devil*, as well as from his Vicar upon Earth the *Man of Sin*, or *Pope*; who is too cunning to insert ſuch *Patently* wicked *Non obſtante's* in his *Diſpenſing Bulls*; which would be an *Indiſpenſable Bull* of it ſelf. So that, *Patent* Offenders as well as *Gloſe* Sinners have ſeldom any other *Diſpenſation* to ſhew for *omitting* their reſpective Duties, or for *committing* their *patent* Wickedneſs, than ſome *Tacit Fiat's*, or *Clandefſtin* Guins, or devilish *Preſump-tions* of *Post-factum*-Pardons, or *indiſpenſably* ſtrong *Intuendo's* from the *Fleſh*, the *World*, the *Pope* and the *Devil*.

Now 'tis high time to call another Cauſe; which may be ſeaſonably enough as well as *inſtructively* diverting enough in the late Cauſe of *E. Phelipps, Quer' verſus T. Smith*, Defendant.

Edward Phelipps, brought an Action of Debt in the Court of *King's Bench* againſt *Thomas Smith*, Bailiff of the Burrough of *Ivelcheſter*, for reſuſing to deliver to the ſaid *Edward Phelipps* a Copy of the Poll taken at an Election for Members of Parliament for the ſaid Borough, at which Election the ſaid *Edward Phelipps* was a Candidate: And the ſaid Action was founded on the Statute of the 7th and 8th of *King William III. Cap. 25. Sect. 6.* The Declaration ſets forth, That the Town of *Ivelcheſter* is an ancient Borough, and that the Burgeſſes and Inhabitants of the ſaid Borough, time out of mind, have choſen two Burgeſſes to ſerve in Parliament for the ſaid Borough.

That 17 Jan. 1. *Georgii Regis*, a Writ iſſued out of *Chancery*, directed to the Sheriff of *Somerſet*, Commanding him to cauſe to be choſen two Knights for the ſaid County, and two Burgeſſes for every Borough within the ſame County, to ſerve in the Parliament to be holden at *Weſtmiſter* on the 17th Day of *March* then next following; which Writ, 26 *January* following, was delivered to *John Trevillian*, Eſq; then Sheriff for the ſame County, who, the ſame Day made his Precept to the ſaid *Thomas Smith*, then Bailiff of the ſaid Borough of *Ivelcheſter* (to whom the Execution of the ſaid Precept of Right did belong) for the Election of two Burgeſſes to ſerve in Parliament for the ſaid Borough, according to the ſaid Writ.

That by virtue thereof, on the 2d Day of *February* following it was proceeded to an Election for the ſaid Borough, when *Sir James Bateman*, *William Bel-Jamy*, *John Hopkins*, and the ſaid *Edward Phelipps*, Eſq; ſtood Candidates, and ſeveral Electors voted for *Sir James Bateman*, and the ſaid *Edward Phelipps*, Eſq; and ſeveral others for the other two Candidates, and a Poll being then demanded was had, and taken in Writing by the ſaid Bailiff.

That on the 10th Day of *February* following, the Candidate *Mr. Phelipps* required the ſaid Bailiff to deliver him a Copy of the ſaid Poll, and was ready

and offered to pay him any reaſonable Sum of Money for the writing thereof, as he ſhould require. But the ſaid Bailiff did not deliver the ſame, but contrary to his Duty, and the ſaid Act of Parliament, voluntarily and utterly reſuſed to deliver him a Copy of ſuch Poll, whereby the Plainaiſſ, in the ſaid Action, was entitled to demand and recover the ſaid Penalty of 500 l.

Upon the general Iſſue pleaded, this Action was tried at the Lent Aſſiſes holden for the County of *Somerſet*, 2 *Georgii Regis*, before *Mr. Juſtice Eyre*, by a ſubſtantial Jury, and after a very long Trial, upon full Evidence, a Verdict was given for *Mr. Phelipps*, to the Satisfaction of the Judge who tried the Cauſe; and it appeared, That the ſaid *Thomas Smith* (who is a *Practiſing Attorney*) behaved himſelf very Arbitrarily, and that his whole proceeding, as Bailiff, and particularly this for which the Action was brought, was in open Deſiance and Contempt of the Law.

Upon this Verdict the Court of *King's Bench* gave Judgment for *Edward Phelipps*, the Plainaiſſ in the Action, and the Defendant *Thomas Smith* brought a Writ of Error in the *Exchequer Chamber*, Where the ſaid Judgment was affirmed *unanimouſly* by all the Judges of the *Common Pleas*, and Barons of the *Exchequer*; And then brought another Writ of Error, or Appeal, into the Houſe of Lords, who confirm'd the former Judgment, *An. 1718.* as I take it.

Tho. Lutwyche, and *J. Comyns*, Counſel for *Phelipps* the former Plainaiſſ, now Defendant in the Writs of Error, and Plainaiſſ in *Niſi Prius*, or the Original Action.

See in the 5 *Mod. Rep.* p. 59. of another Sort of an Action brought againſt another Attorney in a late Reign, upon the Articles of Agreement, for quiet enjoyment of Lands. The Declaration ſets forth, that the Defendant covenanted *pro & ex parte* of another. Then recites the Articles, averr's Performance of all Covenants on the Plainaiſſ's part, and aſſigns the Breach, That the Plainaiſſ and his Servants were ſu'd in Action of Treſpaſs in the *Common Pleas*, and Dam-mages recover'd againſt him; which he was compell'd to Pay, & ſic idem the Plainaiſſ, *non quicquid & pacifice tenuit*. The Defendant pleads *non infregit conventio-nem*, and Iſſue thereupon. See the further Proceedings, *ibid.* p. 61. See alſo, *ibid.* p. 51. Par. 2. An Action in Covenant brought by the Executor of a Biſhop, againſt the Executors of an Aſſignee of the Executor of the Leſſee. The Declaration ſets forth the Indenture of Demiſe of a Rectory, with the Conſiderations and Particulars demiſed; the Covenants to repair and yield up the Leſſees Entry, &c. aſſigns the breach in permitting the Chancel to be out of Repair: *Proſert in Cur'* the Leaſe and Letters Teſtamentary of the Biſhop. Whereunto the Defendants demur generally. *Vide cætera*, *ibid.* p. 55. &c

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OR,

LAW-PARALLELS.



S there was no point of Law in that Case of *Philips* versus *Smith*, provided the Evidence was full, as to *Smith's* absolute refusal to give a fair Copy of the said Pole, upon a Legal well-prov'd plain demand for it, so there seems to have been several points of grudging Personal Debates on both sides; and consequently the Instructive as well as the Edifying part falls mostly short in those Actions upon the Statute proving a general *abatement* to most Readers and Students. But not so in the special Cases of *Replevin*, which commonly prove the most informing and usefull of any part of our Municipal Laws; as may be seen in a sample or Two, viz. *Dixon* against *James*, in *Replevin*, declares for taking his Cattle in the Moor, in the County of *Lincoln*, and enter'd in Old Prothonotary's Cook's Office, (being the first of the Three Prothonotaries in the Court of the Common Pleas) in *Michaelmas-Term*, 9. Will. Reg. 3. Rot. 1431. The Defendant pleaded to the Declaration, and avow'd, that *Anne Bouchart* was seiz'd in Fee of a Messuage and 100 Acres of Land in *Northwillingham* in the said County of *Lincoln*, and so prescribes to have *Common appurtenant* to the said Tenements in the place call'd the Moor; and then he sets for h, that the said *Anne Bouchart* Leas'd the Premises to the Defendant, and so justifies the taking of the said Cattle *damage feasant* upon the Premises. The Plaintiff reply'd, that *George Henneage* was seiz'd in Fee of a Messuage and Two Acres of Pasture in *Northwillingham*, and likewise prescrib'd for *Common appurtenant* in the Moor, that the said *Henneage* demis'd the Messuage to the Plaintiff, and thereupon he put in his Cattle. The Defendant rejoyn'd, that the Plaintiff, under the pretence

of using the *Common*, had *surcharg'd* it; and therefore he took his Cattle *damage feasant*. The Plaintiff took Issue upon the *Surcharge*; and there was a Verdict against him. But it was mov'd in Arrest of Judgment, that this was an *Immaterial Issue*, because one *Commoner* can't distrain the Cattle of another, tho' he might distrain those of a meer Stranger, who had no pretence to any Right of *Common*. Accordingly Judgment was arrested *nisi Causa*, which Rule was never discharg'd, tho' the Case was argued after.

Here we must observe, First, that a Writ of *Replevin* is directed to the Sheriff, to command the Delivery of the Goods or Cattle that are put in the Pound, or, distrain'd, which is now commonly had from the respective Under-Sheriff of each County, who by vertue of his County-Court pretends to give it of course to the owner of the Chattle so *pounded* or *distrained*, provided the Owners give him Sureties, for his own Security, to stand the Law-*Issue*: Much after the Nature of Sheriffs *Attachments* of Goods or Money in other Peoples hands, who must either put in *Bail* or *Delivery* to the said *Attachment*. But those Proceedings are often removed by a Writ of *Recordare*, into the King's Bench or Common Pleas, as the foresaid Case stood.

Secondly, We must take it along with us, that the Writ de *Admensuratione Pasturae* lies only for one *Commoner* against another, who has *Common appurtenant*, and to a certain number, and who has *surcharg'd* the *Common* by putting in *ultra* that number; but does not lye against a *Commoner* who has *Common appendant sans number*. See the Year Book of *Astize*, 22. p. 65. and 46. Ed. 3. plac. 13. fol. 12. and *Brook*, tit. *Avowry*, pl. 29.

Thirdly, 'Twas agreed of both sides, that a *Commoner* has nothing to do with the Land of the *Common*, but to put in his Cattle; and consequently that the Lord of the Manner may put in

in what kind or Number he pleases of Cattle, as for a further Argument; but in the mean time Rabbits or Conies; as it was adjudged in the Case of the Parties agreed.

Hoddesdon and Grevill, apud Yelverton, 105. and 2. Crook 195. Fourthly, 'Twas granted as good Law, that a Commoner may distrain the Cattle of a Stranger damage feasant in the Common; and needs only shew that he has a Title to the Common, and consequently an Authority to remove the Nuisance: So that 'tis no exception to the Avowry to say, that the Defendant did not shew that he was damnified by the Cattle distrained, as 'twas adjudged in the Case of *Brong and Moor*, by Oliver's Chief Justice Rolle, *apud Style, 428.* and 5. *Mod. Rep. p. 394. 395.*

Where may be seen very poorly reported, the Case of *Simpson versus Tellwright & al. Tempest's Office, Hill 11. W. 3 Rot. 316. Stafford 4 Replevin*, for taking a Gelding in the *Delphfield*. The Defendant made Cognizance as Bailiff to *Jane Ball*, setting forth, that one *W. Sneyd* made a Feoffment of the Mannor of *Tunstall*, and afterwards made another Feoffment of the *Delphfield* (which was before a Copy-hold held of the said Mannor) to one *Tellwright*: By which the Copy hold was merged or commuted, and so from him derives a Title to *Jane Ball*, who became seiz'd in Fee of Ten Acres in the said *Tunstall*, and so justifies the taking damage feasant.

The Plaintiff in Bar to the Avowry sets forth, that the said *Sneyd* Demised a Moiety of a Coal-Mine, which had been time out of mind in the Close, call'd *Limefield*, adjacent to the said *Delphfield*, to one *Burlew*, for Ninety Nine Years, with free ingress and egress from and to the said Mine. That the said Term and Estate was vested in one *Colclough*, who devis'd a sixth part to one *Wedgwood*, who gives the Plaintiff leave to carry his Coals through the *Delphfield* leading to the Highway; and avers, that it was the usual and convenient way, and that as he was passing that way through the said *Delphfield* and carrying his Coals the Defendant took the Gelding, &c. Upon the Demurrer, it was strongly insisted upon, that when the Copyholder had Purchas'd the same, as Fee-Simple, his Copyhold was extinct, and in such Case the grant of the way in the Lease of the Coal-Mine, will operate as well as if the *Delphfield* had been in the actual Possession of the Lord of the Mannor, at the time of the Lease made; and the Defendant moved strenuously that there was no absolute necessity of passing through that Field from the Coal-Pit to the Highway: Upon these Two Points, the Case was adjourned

Hence we may gather Two Law-certainties, First, that if the Plaintiff could have prov'd that it was the usual Road (by prescription or time out of mind, or even for some considerable time) or 2dly, an absolute necessary way, so that there was no other convenient one from the said Coal-Pit, he must have carry'd the Cause, as is plain, *per Siderfin, 39.* 3. in the Case of *Parker and Welsted*: Which, in all probability, the Plaintiff could have proved, otherwise the Defendant would not have Demurr'd, but join'd Issue and Try'd the Cause. The Third point of Law, was not so certain, viz. Whether the Lord of the Mannor had Power to grant any way over the Lands of a Copyholder of the Inheritance; or whether the alteration of the Tenure and Title, could immerge the original Municipal Customs, or appurtenances. But 'tis certain, by the Statute, *Quia Emptores terrarum* that a Subject can't create a Tenure in himself, or make a Feoffment of Lands to be held of himself by Rents and Services. See in the same 3d. Vol. *Modern Reports, pag. 280.* an Action on the Case, with an, *Indebitatus*, for Goods sold, and an, *Insimul computasset*: The Plaintiff says that the Defendant hath not paid the several Sums, & inde producit sectam. The Defendant pleads an Outlawry in Bar, and shews that *J. S.* impleaded the Plaintiff in the Common Pleas in an Action of Trespass, and for not appearing, she was waiv'd, and that the Outlawry is yet in force, & hoc paratus est verificare per Recordum. See also the Demurrer to the Defendants Plea, and the Defendants Joinder in the Plaintiffs Demurrer, &c. But such Pleadings are generally Sham proceedings when a Wealthy Defendant has a mind to be vexatious, and to keep the Plaintiff as long as he can out of his Money, and withall to put him to as much charges as his Perjured (having been Sworn not to bring Foreign Pleas into Court) Attorney can trick out Sham delays; which being at an end, a Writ of Error is generally brought for another Dilatory Plea, and when that Sham Process is over, then perhaps the vexatious Defendant rides on with the Lawyer's Post in the Law-Carriere into Chancery, where perhaps both are ruined, &c. For where no Fraud or Covin, a Court of Equity will not relieve; neither will it Bar a Wife from a Dowry, if she be dowable by Act or rule of Law. *vid. Crook, in Ter. P. 6. Car. B. R. Nash versus Preston, &c.*

&c. Though some Statutes go to the Abridgment of the Law, and some to the enlargement. And some Statutes are expounded by *Equity*, because Law and Reason repugn to the open Sense of the Words: And Expositions by *Equity* are generally allowable and warrantable, where and when there's plain and evident utility Publick and necessity for supplying defects in the Law, which is not convertible with Reason, nor always coincident with *Reasonable*. But all Statutes appointing a thing to be done in a *Form*, must be strictly taken as to the Observance of that Form.

M. Now our Law-Student having made himself Master of the *Cover'd Way*, and most of the *Outworks* of our Law-Cittadel, pray what's his next Attack?

D. He is then to make Three regular *Lodgements*, before he can make a *forceable Entry*, with all the Legal *Artillery* upon the main Body of the *Law-Fortress*. The 1st. therefore Lodgment must be that of the Law of *Affurances*, Precedents or Conveyances, upon the *Glacis* of the Law-Counterfarp: The Second is that of the Law of the *Courts* or Year Books, or Records and Cases adjudg'd, upon the Half-Moon or principal *Bulwork* of the Law-Judgments: The 3^d. Lodgment or Study, is that of the continually occasional Batteries of the Statute-Law upon the grand Breach or Walls of the *Law-Cittadel*; and so *re-enter Peace in hand*, by and with the indefeasible Right of Law-Government or the Legislative Power together with the Executive Government and Supplement of Equity or Chancery. Or else, those Three general *Lodgements* of the Law-Studies may be thus extended; (1.) to the *Forins* of Precedents, Affurances and Conveyances: (2.) To the Records of Cases adjudg'd in the respective Courts and Judicatures: (3.) To the Conformity to the Statute-Law, or to the Legislative and Executive Power: (4.) To the Regulations or distinctions and restrictions of *Equity* and the Executive Government. Whence *Equity* is precisely for extraordinary Cases, which deserve to have some particular Instance of the Common or Statute-Law, to be occasionally enlarg'd or restrain'd. But Common Law, being Municipal or Customary, is either that (1.) of Precedents, or Affurances and Conveyances: (2.) Or that of the Crown and Executive Government: (3.) Or that of Writs and Jurisdiction of Courts: (4.) Or that of Arrests and mean Processes: (5.) Or that of Trespafs, Actions of the Case and Debt: (6.) Or

that of Declarations, Indictments, Informations, Arraignments, Pleas and Demurrers: (7.) Or that of Evidence, Juries and Tryals: (8.) Or that of Fines and Recoveries: (9.) Or that of Replevins, Attachments and Ejectments: (10.) Or lastly the Law of Arrests of Judgments and Errors.

As to the Law-Persons, Judges or Actors, Transactors, Executors, Administrators, and Assigns, they be divided into Seven different kinds or Species: (1.) Into the Law-Makers, Law-Executors or Judges and Justices: (2.) Into Law-Officers, Masters or chief Clerks of Law Offices, with their respective Subalterns, *Servientes ad Legem*, or Serjeants of the Coif, & *Consiliarij ad Legem*, or utter Barristers and Counsellors at Law: (3.) Attorneys at Law: (4.) Solicitors at Law or Equity: (5.) Clerks, with an innumerable brood of their own Homogenial Spawn of all sorts and sizes: (6.) Clients, or rather Patients of the Law, *viz.* Plaintiffs, Defendants and Criminals. Some stick not to add an Eighth Class of Law-Persons, *viz.* Champetrors, Barretors, Maintenancers, Undertakers, Forgerers, Affidavit-men, Common Bail, Jack a Nokes, Jack Ketch, and such like *Hangers on* of the Law; though the last is call'd also, the Finisher of the Law, or the Executioner of the Law; but 'tis *Hang* choice, what he is call'd, unless when he is called upon to do his Duty. However, we must take notice that notwithstanding there be properly speaking, but Three Supream Law-Makers, collectively *viz.* King, Lords and Commons, yet Judges or Justices often make *by-Laws* or rules of Court, and those oftentimes very precarious ones too, and sometimes very Arbitrary *Over-rulings*.

But the grand nicety and even difficulty of the Law chiefly consists in rightly distinguishing, when the Law (1.) is inflexible like an *Iron-rule*, and (2.) when plyable like the *Lesbian rule*, (See the Lawyers Light, p. 61. ad 65.) and restrainable by Exceptions, either of its own Branches or of Equity included in the Law: (3.) Or when Equity is to enlarge or restrain the Laws, (4.) either by keeping the several Branches of the Law in conformity one with another, (5.) or by expounding the Statute-Law, (6.) or by remedying Cases of Extremity; (7.) or when Common Law rejecteth all alterations of Equity, for the better avoiding Confusion; (8.) or when Common Law is for things that commonly happen, and not in extraordinary Cases, *formans regulam in omnibus Casibus non exceptis*: (9.) Or when *Summum Jus*

is, *Summa Injuria* : (10.) Or when, *Nullus recedat à Cancellariâ sine remedio*, 4. Hen. 7. See *Plowden* in his Appendix to the Argument in the Case of *Easton* and *Studd*, out of *Aristotle* and *Bracton*.

As Reason is the Mother of the Law, so *Maxims* are the foundations of it; which must never be denyed, but may be compared, and must be reconcil'd in every Case where they seem to differ. Whence *Tully de Legibus* says, *Lex est summa Ratio* : Yet we are often compell'd to say with the Civilians, *Non omnium quæ à Majoribus constituta sunt, ratio reddi potest*. Therefore the Author of the Book call'd, *The Doctor and the Student*, well observes, that we must of necessity leave some things that need Reformation, to the Conscience of the Party himself: And in such Cases, there ought to Supervene Acts of Parliament, constitutive of new Laws and Correctives of the old : Otherwise the *Sages* of the Law, whose Wits are exercis'd in such matters have the Interpretation in their hands, whose Authority no Man takes in hand to controul : Therefore their Power is very great and high, since all must seek the Interpretations of the Statute as well as common Law, as Oracles from their Mouths. *In dubio hæc legis præsumitur esse sententia quam Verba ostendunt. Sed ubi manifeste pugnant Legis voluntas & verba, neutrum sequendum est; Verba, quia non congruunt menti; mens, quia non congruit verbis.*

One of the first general advances that our Law-Student ought to make, is to prepare himself for the Reading of the Statutes (collected first by *Fitzherbert*, in 12. *lond.* 519. 2dly, by *Rastal*, in one Folio-Vol. Price 10 s. now 8 s. and continued in Two Folio-Vol. pr. 10 s. formerly 25 s. 3dly, by *Pulton*, in Fol. pr. 6 s. now 3 s. 4thly, by *Keble*, in Fol. pr. 50 s. 5thly, continu'd to 1708 in 3 Fol. Vol. pr. 4 l. 10 s.) by a diligent perusal of Chancellor *Harton's* excellent small Tract, concerning Statutes and Acts of Parliament and the Exposition thereof, Edit. *Lond.* 1677. in 8vo pr. 1 s.

This Prime Initial Protestant Law-Author and Convert from Popery, and one of the First Seven Protestant (*Lambard, Theloal, Kitchen, Crompton, Dyer, Owen,*) Stars and Pillars of our Law-writing Constitution, was Sir *Christopher Harton*, who enter'd himself in no other Inn of Court than that domestick Royal one of Queen *Elizabeth*, who first advanced him to be Captain of her 50 Gentlemen Pensioners, then call'd him to the Bar of one of

the Gentlemen of her Privy Chamber, next to be Captain of her Guards and Vice Chamberlain, soon after, he was call'd to the Chief of a Privy Counsellor, and Judge-Associate. Knight of the Garter, and at last was call'd to the Chancellors Chair; whereupon he reduc'd the Chancery and all other Courts to certain proper Reform'd rules, orders and Courses: He promoted the Proclamations against Gawdy Apparel, and for a plain decent dress, for free Trade, for pure reform'd Religion, and the Laws against the Papists: Yet he kept so fair with them that they thought he was one of them in his heart, though otherwise outwardly: But in reality that compleasance and compassion of his for the Papists, was only the effect of his Politick Prudence as well as his good Nature, which seem'd always to favour the weakest or undermost, especially if Prosecuted: Nevertheless he stood by the Church of *England* as then by Law Establish'd. against her Popish and Puritan Enemies of both sides; though he was very tender of Dissenting Judgments; saying, that neither Sealing nor cutting was to be us'd in the Cause of Religion. Two things he us'd to say he was extremely concern'd for and very tender of; viz. of the Queens Prerogative and his Mother the Church's Discipline; the one that Majesty might be at liberty to do as much good, and the other, that humour and fancy might not be free to as much Irregularities as it pleas'd. He was eminent for his Activity, Parts and Abilities, which were as much above his Experience, as that was above his Learning, and that above his Education: And the Serjeants at Law, that seem'd to disdain to plead before him, who had not made it his Business to Plead at it all his Life time, nor brought up to it, yet were forced by his Prudence to confess his Abilities: for though the Chancellourship was above his Law, but 'twas not above his Parts: So pregnant and comprehensive was he, that he could command other Men's Knowledge to as good purpose as his own: But such was his Humility and discretion, that he did nothing without Two Lawyers (*Lambard* and *Owen*) and such his ability that the Queen did nothing without him. This even and clear Sage of Equity observ'd and improv'd the practices of his Enemies (who promoted his advancement, to absent him from Court, and kill him at home by an unaccustomed Sedentariness to Studies) closing with Malice and Envie or ill will it self, to his own advancement, and tempering the most perverse

perverse Enmity to the greatest kindness. Even the Queen of Scots had such an opinion of his Abilities and Equity, that 'tis thought she never would have Submitted to Queen Elizabeth's Commissioners to be Tryed, nor own'd the Jurisdiction of their Court, had it not been for this Lord Hatton's perswasive influence; but perchance she was lull'd with the same Notions, as the rest of the Romanists of those days, that he was a well-wisher to the Popish Religion; and consequently that he would advise her to nothing but what tended to her Advantage. See *Cambden in Annal. Eliz. ad an. 1591.* and *Leicester's Commonwealth*, Printed in 1641. p. 149. &c. Be that how it will, our Sage Lord Hatton was Son of William Hatton, (Son of John, Son of Henry, by Elizabeth his Wife, Sister and Heir of William Holdenby, of Holdenby in Northamptonshire) Gentleman Commoner of St. Mary's Hall, Oxon. when William Allen (afterwards a turbulent Cardinal) presided in it. He dy'd, November 20. 1591. Aged 51. and bury'd at St. Paul's the 16th. following. On his Death were Printed, *Musarum Plangores*: For his Bounty to Poor Scholars made him to be chosen Chancellor of Oxford, and will ever make him live in the minds and Monuments of all Scholars, as long as Polity and Learning shall Triumph over Ignorance and Brutality. And God of his Infinite Mercy grant all our Lawyers great and small the same Liberal and Bountifull inclinations and Exertions towards all Poor Sons of the Muses, however now vilify'd and undistinguished by his Successors, (except our greater Hatton the present Lord Parker) as well as most others here though otherwise in Holland, Germany, and elsewhere.

The Eighth Protestant Law-Author and Convert from Popery, was Sir Edmund Anderson, born a Younger Brother of a Gentile Extract at Flixborough in Lincolnshire, and bred in Lincoln College Oxon, and in the Inner Temple: 'Tis said of him, that his Father left him a Thousand Pounds for his Portion, which he multiply'd into many, by his great proficiency in the Common Law: Being made the 24th of Queen Elizabeth, Chief Justice of the Common Pleas. He was a downright honest Legist. always alledging a decisive Case or Statute on any matter or question, without any regard to Persons. When H. Cuff was arraign'd about the rising of the Earl of Essex, and when Sir Edward Coke the Queen's Solicitor oppos'd him, and the other answered him Syllogistically, our Grave Anderson (sitting there as Judge of Law and not of Logick) check'd both Pleader and Prisoner, *ob stolidos Syllogismos*; appointing the former to press the Statute of Edw. the 3d. See *Camben, Eliz. an. 1601.* Our la-

borious Judge Anderson writ learned Reports, in Two Parts, Fol. French, not Printed till 1664. pr. 1 l. 4 s. His Resolutions and Judgements were collected by John Goldsborough, Prothonotary of the Court of Common Pleas, and Publish'd under the Name of Goldsborough's Reports of Cases in the latter Years of Queen Elizabeth: In 4. pr. 2 s. 6d. This laborious Chief Justice Dy'd, An D. 1605. But the very first Law-Protestant Author-Profelyte from Popery, was Sir James Dyer, Lord Chief Justice of the Common Pleas, *primo Eliz.* he was Younger Son to Richard Dyer, Esq; and born at Roundhill in Somersetshire; he was one of the Commission to Try the Duke of Norfolk for High Treason, in 1572. when the Duke desired Counsel to be assign'd him, pleading that it was granted to Humphrey Stafford in the Reign of King Henry the 7th. the Lord Chief Justice Dyer answer'd, that Stafford had it allow'd him only as to point of Law then in dispute, *viz.* Whether he was legally taken out of the Sanctuary? but as for matter of Fact, neither he nor any ever had or could have Counsel allow'd him (till the late Act of Parliament provided in that Case.) There is a Manuscript of this Worthy Judge, wherein are 46 Rules for the Preservation of Church and State from future Popery and Slavery: Whereof the 1st is, That the true Protestant Religion be established. 3. That the middle sort of People exceed both the extreams of Nobility and Poor. 5. That the Court pay well. 6. That Trade be free; and Manu actures, with all other Ingenuities, be encourag'd. 8. That there be notice taken of Wise and well-affected Persons to employ them. 9. That Corruption be restrain'd. 11. That the First ferment of Sedition, Want and Poverty be consider'd. 12. That preferments be bestow'd on Merit, and not on Faction. 21. That no one be gratify'd with the Grievances of many. 25. That the Neighbour States be Balanced. 27. That none be suffer'd to raise a quarrel between the Prerogative and Law. 35. That there be a strict Eye kept upon Learning, Arms, and Mechanical Arts. 38. That an account be given of Publick expences. 39. That Inventions be encourag'd. 40. That the Courtiers keep good houses. 43. To improve the benefit of the Kingdom's Situation. 44. That the Liberties and Priviledges of the Subject be so clearly Stated, that there may be no pretence for worse purrposes. 46. That Luxury be suppress'd. The rest may be seen at large in our respective Biographers. This noble Convert from Popery was the first Protestant that Writ Law-Reports, and the very first of all that put the Title of Reports to any Law-Book. His Reports

Reports were Printed in 1601. Folio French, pr. 16 s. formerly 24 s. He dy'd in 1581. without any Issue, though Marry'd. There is still a House of a Baronet of his Name (descended from his elder Brother *Richard*) at great *Stoughton* in *Huntingtonshire*, well improv'd by the addition of this excellent Prototypal Judges's Estate.

William Staunford, Son of *William Staunford* of *London* Mercer, (by *Margaret* his Wife, Daughter and Heir of — *Gedney* of *London*, as appears by MS. inter Cod. Mss. *Radulphi Sheldon de Bedley* in Com. Wig. Armigeri, in Coll. *Armorum Lond. num.* 133. p. 146.) and Grandson of *Robert Staunford* of *Rowley* in *Staffordshire*, was born in the County of *Middlesex* 22 Aug. 1509. (1 Hen. 8.) was Autumn and Lent Reader of *Greys-Inn Lond.* and in the Year 1553 *1 Maria* was made the Queen's Serjeant at Law, and the next Year was Knighted, and created one of the Justices of the Common Pleas or Common Bench, *De Communi Banco* (which is one and the same Court, distinct from that of the Queen's or King's Bench) dy'd a zealous Roman Catholick, 20. Aug. 1558. and was bury'd at *Hadley-Church* in *Middlesex*, according to the Alternative allow'd by his Will, *In Offic. Prerogativ Cantuar. In Registr. Noodes, Part 2. Qu. 53.* Wherein he styles himself, One of the Justices of the Common Pleas under the King and Queen, and desires that his Body may be buried in the Parish Church of *Islyngdon, Hadley* or *Houndsworth*. His Posterity remains in *Staffordshire, Warwickshire*, and elsewhere, to this day.

He writ as an able Judge in the Law, that famous Original and Standard of the King's Bench (whereof he had been the most proper to have been in those Days the Lord Chief Justice, or at least one of the Justices *De banco Regis*, and how he came to miss of it, 'tis pretty strange, especially since he bent all his Studies that way) on the Crown-Office side, styl'd, the Pleas of the Crown, divided into several Titles and common Places, *Lond* 1557. in qu. they are also divided into 2 Vol. in some Impressions, &c. Exposition of the King's Prerogative, collected out of the Abridgment.

Robert Broke or *Brook*, Son of *Thomas Brook* of *Claverley* in *Shropshire*, by *Margaret* his Wife, Daughter of *Hugh Grosvenor* of *Farmet* in the said County; was a Student of the *Middle Temple London*. In the latter end of the Year (in Lent) 1550 he was Elected Double Reader; having been in 1552 elected Autumn or Summer Reader of the same House: And in 1552. he was by Writ call'd to be Serjeant at Law; and in 1553. being the 1st of Queen *Mary*, he was made Lord Chief Justice of the Common Pleas, (and not of the Common Bench, as some, says Mr.

Wood, through a gross piece of Ignorance; for Common Pleas and Common Bench be the same Court, as has been observed before, in Judge *Staunford*, upon the like mistake committed by the same *Oxford Antiquarian*) and Knighted about the same time. He dy'd a Catholick Zealot in Aug. or Sept. in 1558. In his Will prov'd, on the 12th of October the same Year, he several times remembers the Church and Poor of *Putney* near *London*. He obtain'd a fair Estate by the Law, which he left to his Posterity, remaining at *Madeley* in *Shropshire*, and at one or two places in *Suffolk*. See *in Offic. Prerogativ. Cant. in Reg. Noodes, Part 2. &c.*

Sir *Robert Broke's* Abridgment, containing an Abstract of the Common Law Recorded in the Year-Books, and other Books of Law, Readings and Records, down to the Reign of Queen *Mary*, was Printed at *London* 1573, 76, 86. In small and large Folio, Price 25 s. and in Quarto, pr. 30 s. in French. And Sir *Robert's* certain Cases adjudg'd in the time of King *Hen. 8.* to the 4th of Queen *Mary*. Printed in 8. *London* 1578. 1604. 25. Pr. 1 s. 6 d. in French originally intitled, *Ascuns Novel Cases*. The same is also Translated into English by *John Marsh* in 8. pr. 1 s. 6 d. And Sir *Robert's* Reading on the Statute of Limitations, 32 H. 8. c. 2. was scarce Printed before the Year 1647. at *London*, in 8. pr. 1 s. Not long after, in the next Reign, there was another *Robert Broke*, Serjeant at Law and Recorder of *London*; whose Reading upon the Statute of *Magna Charta*, chap. 16. was Printed in 4. *Lond.* 1648.

M. What's the next Step a regular Law-Student is to advance to, for to make himself Master of the Reason, Matter and History of our English Laws?

D. The essential degree of Initial Studies of the Law, is to prepare for the reading the Year-Books and other respective Records and Reports of adjudg'd Causes and Cases, by a diligent perusal of *Fleetwood's* Table to the Annals or Year Books; and *Rastal's* Tables, with *Dugdale's* *Chronica Series*, or *Chronica Juridicalia*, in 8vo. pr. 4 s. *Thomas Ashe's* General Table, in 8vo. (pr. 2 s.) and his Promptuary or Repertory General of the Year Books, in 2 Vol. Fol. French, pr. 8 s.

William Fleetwood was one of the first Seven Lawyers that turn'd from Popery to be a Protestant, and that Published any thing of our English Laws. He was natural Son of the *Fleetwood's* of *Penwortham* and of *Heskyn* in *Lancashire*, and brought up in the *Middle Temple*; where in 5 and 6 *Eliz.* he was chose Autumn or Summer Reader, but omitting one of those times to read, he was Elected again in 11 *Eliz.* double Reader of the *Middle Temple* in Lent: About the same time he was made Recorder of *London*, and in

1580. he was made Serjeant; and in 1592. he was appointed the Queen's Serjeant. He liv'd mostly in *Noble-street* near *Aldersgate* within *London*, in a house which he had built there; where also he dy'd, in 1593. and was bury'd at *Great Missenden* in *Com. Bucks.* He was very Charitable, and chearful in Conversation. His eldest Son *Sir William* liv'd at *Missenden*; but his Son *Sir Thomas* was also of the *Middle Temple*, and Attorney General to Prince *Henry*: One of his Daughters marry'd *Sir David Ponlis*, and another of his Daughters was marry'd to *Sir Thomas Chalonier*, Tutor to the said Prince and Son to the Learned *Sir Thomas Chaloner*. His Father the Recorder of *London*, Serjeant *Fleetwood*, writ his foremention'd learned *Elenchus* or Table to the Annals or Year-Books of *Edw. 5. Rich. 3. Hen. 7. and Hen. 8.* and Dedicated it to *Sir Thomas Bromley* (another worthy Law-Protestant Convert from Popery) then Lord Chancellor, and Printed in 12. *Lond. 1579. and 97. in French.* He writ also, *The Office of the Justice of the Peace: Together with Instructions how and in what manner Statutes should be expounded*, in 8vo. *Lond. 1658. pr. 1s.* He left in Manuscript, Learned Observations upon the *Eyre of Pickering Forest*, and upon *William Lambard's Archeion*: Which Manuscripts were to be seen in the late Library of *Richard Smith*, sometime ago Secondary of the *Poultry-Counter* in *London*.

The foremention'd *William Rastal* was on the contrary as great a zealot for Popery: He was Son of *John Rastal* Printer (by *Elizabeth* his Wife, Sister to *Sir Thomas More*) first bred up at *Oxon*, then at *Lincoln's Inn*: Of which he was Autumn or Summer Reader in 1. *Edw. 6.* Sometime after, he with his ingenious and Learned Wife *Wenefred*, (Daughter of *John Clement* Dr. of Physick, a Popish fugitive also) retired to *Lovain* in *Brabant* beyond the Seas: Whence returning under Queen *Mary*, he was made Serjeant at Law, and one of the Persecuting Justices of the Common Pleas. He writ the *Chartuary*, Printed at *London 1534.* scarce now to be found, and a Chronological Table of our Kings and Courts, from the first of *William* the Conqueror down to Queen *Mary* and the 4. of *Eliz.* Printed at *London*, in 1563. Oct and continued by another hand *ibid.* in 8vo. 1607. and corrected and continued to 1639. in a large Octavo, by *John Bocker* an Almanack-maker (who was born at *Manchester* in *Lancashire*, and bred a Clark under an Alderman of *London*, and Published the *Bloody Irish Almanack*, *Lond. 1646.* in 11 Sheets, in qu. and dy'd 6. Id. April 1667. and bury'd in the Church of *St. James's* in *Duke's Place London*: Over whose Grave, his great Admirer, the Ingenious Dr. of Physick and

Barrister at Law *Elias Ashmole* put a Marble Stone) From *Rastal's* Table of Years, were compil'd mostly the *Chronica Juridicalia*, Or a Chronological List of all the *English* Chancellors and Judges, Edit. *Lond. 1685.* and *Sir William Dugdale's* *Chronica Series*, to the same intent, at the end of his *Origines Juridicales*, or the History of the Law, Edit. *Lond. 1666.* The Terms of the *English* Law, Or, *Les termes de la Ley*, in *French* and *English*, before mention'd, was first Published by the Popish Judge *Rastal*, and often Reprinted with Additions since, particularly by the Popish Lawyer, *Thomas Blount*, spoken of before, in Numb. 2. *Rastal's* Collection of the Statutes at large, in *English* from *Magna Charta* (made 9. *Hen. 3.*) to the 4th or 5th of *Philip* and *Mary*, Edit. *Lond. 1559. and 1583.* Fol. and continued by another hand to the 43d of Queen *Elizabeth*, Edit. *Lond. 1603.* and thence continued to the 7th of King *James* the 1st. now sold for 8 s. formerly 10 s. and again continued to 16 *Jacob. 1.* in 2 Vol. Fol. pr. 10 s. formerly 25 s. The same Popish Judge *Rastal's* Collection of Entries, were Printed at *London* in 1566. 96. &c. in Fol. Latin, pr. 3 l. but the Edition of 1670. is now sold for 1 l. 15 s. He likewise corrected and Published, with a Title, *Le Nouvel Natura Brevium de Monsier Anton. Fitzherbert, & des choses Notables contenus en y cel nouvelment*, &c. Edit. *Lond. 1598.* Oct and a Table to *Fitzherbert's* Grand Abridgment of the Law; and another Table of all the principal Cases contain'd in the Book of *Affizes* and *Pleas* of the Crown of *Edw. 3.* (being the Fourth Volume of the Year-Books, Printed in Ten Volumes by Subscription, in 1678. Fol.) And another Table of the principal matters concerning *Pleas* of the Crown. He collected all his Uncle *Sir Thomas Moore's English Works*, and Published them at *London*, in Fol. 1557. and *Sir Thomas Moore's* Life. But our late Bishop *Burnet* in his History of the Reformation *Tom. 1. Par. 1. pag. 111. and 112.* of the *French* Translation, denies that Life of *Sir Thomas Moore* to have been writ by the Popish Judge *Rastal*; for this reason, because he would have plac'd it in his Edition of *Sir Thomas Moore's* *English Works* before mentioned, had he compos'd it, or ever intended it, or rather had he had it then ready.

The next advance of Preliminary Law Lectures and antecourfory Juridical Studies, is *Jus Formularum*, the Law of Precedents of all kinds: such as are to be seen in the forementioned Old Books of Entries, in Latin, Fol. pr. 30 s. formerly, but now 1 l. 4 s. Edit. an. 1564. and Old *Natura Brevium*, in 8vo. *French*, pr. 1 s. 6 d. and Register *Brevium*, with *Simon Theloal's* Digest of

Writs,

Writs, in Fol. *Latin*. Edit. 1687. pr. 1 l. 2 s. *No-
va Narrationes & Articuli*, in 8vo. *Latin*, pr. 2 s. *Officina Brevium*, in Fol. *Lat.* pr. 10 s. *Theſaurus
Brevium*, by J. C. 2d Edit. in Fol. 1687. pr. 10 s. *Symboleographie*, of Instruments and Drafts, by
W. West, in 4to. 1632. pr. 6 s. The Accomplish-
ed Conveyancer, by Giles Jacob, in 8vo 3 Vol
pr. 16 s. The Modern Conveyancer, the Third
Edit. in 8vo. 3 Vol. pr. 14 s. The Scrivener's
Guide, by Nich. Covert, Second Edit. in 8vo. pr.
6 s. Sir Orlando Bridgman's Conveyances, in 2
Vol. Fol. 4 Edit. 1710. The Clerks Remembra-
cer, by Giler Jacob, in 8vo. pr. 4 s. But the
first Protestant Lawyer and Convert from Popery
that writ a Book of Precedents or Instruments
was the Learned Thomas Phayer, who was born in
Pembrokeshire, Studied at Oxford, was called to
the Bar at Lincoln's Inn, and thence returned to
Oxon to take the Degree in the Faculty of Physick
compleating that of Doctor in act celebrated, 21
Mar. 1558-9. he writ several usefull Tracts, viz.

As an erudite Humanist, he Translated from
Latin into *English*, Nine Books of *Virgil's Aenei-
dos*. The 3 First of which were by him finished
in the Forest of Kilgarren in Pembrokeshire, in
1555. being ended May 3. just after he had un-
dergone a great danger at Caermarden. The 6th
and 7th were also finished by him in the same
Year and Place: The 8th in the said Kilgarren
Forest, an. 1558. The 9th was ended April 3.
1560. The 10th was begun by him in the said
Year, but dy'd before he could go through it.
Afterwards a young Physician nam'd Thomas
Twyue, meeting with the said Translation in MS.
he finished the said 10th Aneid, May 23. an. 1573.
and having Translated the 11th, 12th, and 13th
Aeneidos, Published them altogether, in 1584.

As a Lawyer, Phayer writ, Of the Nature of
Writs, &c. Exemplars of Common Places for
the writing of several sorts of Instruments, &c.
'Tis the same which is now call'd, a Book of Pre-
cedents. Mr. Wood, the Oxon-Historian had a
Manuscript lying by him written on Parchment,
in the time of Hen. 6. or Edw. 4. containing Co-
pies of all matters to be used by Lawyers: In the
beginning of it was written in a pretty Ancient Cha-
racter, George Hardley, as the Compiler or Possessor, &c.
There is also a new Book of Instruments in 8. pr. 3 s.
6 d. As a Physician, he writ a Goodly Brief Trea-
tise of the Pestilence, with the Causes, Signs and
Cures of the same. Lond. 1544. 46 8vo. where-
unto is annexed a Declaration of the Veins of a
Man's Body, and to what Diseases and Infirmi-
ties the opening of every one of them do serve.
As also, A Book of Children: Which treats of
the Grief and Diseases of Children, &c. He
also Translated from French into English, the Re-

giment of Life. Lond. 1544. and 46. 8vo. &c.
Phayer's Remedies or Prescriptions of Physick for
the Body, were Published by Henry Holland, 1603 &c.

This great Dr. Phayer dy'd at Kilgarren before-
mentioned in the Year 1560. and was buried in
the Parish Church of that Place, with a Marble
Stone over his Grave. There were Epitahs made
by his learned Friends, Mr. George Ferrers of
Lincoln's Inn, and Sir Thomas Chaloner, an excel-
lent Latin Poet, in his Treatise, *De Illustrum
quorundam Encomijs & Epitaphijs nonnullis*. &c.
Ed. Lond in qu. Ed. 1579. p. 356. 357. &c. Dr. Phayer
left behind him a Widow nam'd Anne, and Two
Daughters, Eleanor the Wife of Griffith ap Eynon,
and Mary. More particulars may be seen in
his Will and Testament, dat. 12. Aug. 1560.
In Offic. Prærog. Cant. in Reg. Lothes, Qu. 23. &c.

As the sublime and noble Faculties of Law, Physick and Di-
vinity have the most eminent shares and Stations in the true in-
terest as well as Government of Mankind, so 'tis very extraor-
dinary that any Two of those Three overruling Professions
should with such Scientifical Eminency unite in one and the
same Person, as was to be seen at one and the same time in this
Dr. Phayer, and in Serjeant Plowden, another ancient Britain
of Shropshire; as the first retired from Law to Physick, so the
Second Translated himself from Physick to Law; after both had
arriv'd to a pitch of excellency in the first deserted as well as in
the new Embraced Profession. A later instance of an ingenious
Gentleman that comprehended both those swaying Faculties was
Elias Ashmole, born at Litchfield in 1617. he practiced the Law,
and was made one of the Gentlemen of the Ordinance to King
Charles 1. at Oxon: Then he became Register to the Commis-
sioners of Excise at Worcester. He was call'd to the Bar in 1660.
and admitted Fellow of the Royal Society soon after, and made
Comptroller of the Excise, and created Doctor of Physick by
an Oxford Diploma in 1669. He wrote several ingenious things,
as *Fasciculus Chymicus Theatrum Chymicum Britannicum*, The
way to Bliss, &c. He left his Natural and Artificial Curosi-
ties to Oxford, since call'd *Museum Ashmoleanum*. He dy'd in 1692.

As for the famous Edmund Plowden Serjeant at Law and Dr.
of Physick, who in like manner after having excell'd in the Practi-
ce of Physick, turn'd his comprehensive Faculties to excel in
the Knowledge and Practice of the Law; whereby he got a con-
siderable Estate, and left it to his Posterity, who enjoy'd it ever
since in Shropshire where he was born, and dy'd in 1584 a ze-
alous Romanist, as all his Progeny was ever after, but now near
upon extinct, 3 or 4 Brothers of that Family having not many
Years ago embrac'd the wicked Society of the Jesuits. This
Edmund Plowden was Son of Humphry Plowden by Elizabeth his
Wife (Daughter of John Stury of Ross hall in Shropshire) was
born there at Plowden. He study'd 3 Years at Cambridge and 4
at Oxford before November 1552. when he was admitted to practi-
ce Chirurgery and Physick, by the venerable Convocation of
the University of Oxford. In the 35th of his Age he betook him-
self to the Study of the Law; and in 1557. he became Autumn
or Summer Reader of the Middle Temple, and 3 Years Lent-
Reader. His Commentaries or Reports of divers Law Cases,
in 2 Parts, were Printed at London 1571. 78. 79. in Fol. with
John Fleetwood's Tables, and an Abridgment thereof was Print-
ed in 1559. 8. and Translated out of French into English by Fa-
bian Hicks, Esq; in 8. pr. 1 s. 6 d. Plowden's Queries, or 2
Moot-Book of Choice Cases usefull for Students, in 8. pr. 2 s.
and Translated out of French into English, and methodiz'd and
enlarg'd by H. B. of Lincoln's Inn, Esq; in 8. pr. 1 s. formerly
2 s. Printed at London in 1662. He dy'd Feb. 6. 1584. and bu-
ry'd near to his Wife in the Temple-Church, leaving a good
Estate, as aforesaid, at Plowden near North-Lydbury, in Com. Sa-
lop. and at Shipton in Oxfordshire. and at Rushfield in Bucks.

The Family-POST:

O R,

The Household-NEWS-PAPER.

With the POOR MAN's Policy and Religion: Or, His Duty to GOD and his Country, as well as to Masters and Mistresses.



THE Reasonableness and even Necessity of Instructives and Preservatives of this kind, must be convincing enough to all Serious Christians, from the very Nature of the Thing it self, as well as from the perusal of the following Occurrences, without any further Apologizing Premises; but the Custom of Preambles is too prevalent to be wholly pass'd by, without the usual Compliment to the more Curious, than Courteous Reader, who must needs be courted, tho' to the Author's Condemnation. However, the Ceremonious Salutation shall not be so Tretpassing on his Patience, as to create a Preliminary Crime, to be tum'd up with the rest of the deficiencies of the performance of the whole. I shall therefore content my self with these few following Lines by way of Preamble.

The great Occasions of Thanksgiving & Prayer we have had thronging upon us, thro' the whole Course of the Two last, as well as this present happy Reign, are neither more numerous, nor more spread abroad, to the lasting Honour of the British Nation, and its most Religious Sovereign, than 'tis notoriously known, that the little Care, and less Serious Devotion, in our Solemnizing the Lord's day or our Thanksgiving Seasons or Prayer and Worship, may reasonably, as well as Christianly, make us fear, least the Number of such Prosperous Blessings and Victorious Occasions, should come to an untimely Period, or their importance should Abortively be diminish'd or revers'd. How many Thousands in these Nations, have scarce any Notion, or at least Practice, of the Lord's day or a Thanksgiving Season of Prayer and Worship, than that of an opportunity of Jollity, and Revelling; How many Hundreds have scarce any other Idea, or at least Practice, of the Lord's day or Thanksgiving Season of Prayers, than that of crowding into Church or Meeting, to see, or to be seen; How many scores of Ministers of all sorts, have scarce any other end or purpose in their Thanksgiving, or Religious, Sermons, than to compose, or procure, a well worded Discourse, for to Repartee on a Party, or to satirize Vice into Pleasantry, or to argue the Christian Faith into a seasonable Morality? How innumerable be they of all Parties and Perswasions, who measure their Loyalty and Thanksgiving with their Cups and immorality, as well as their Prayers and Religion, with the unlucky Thoughts of Witticisms, or Interest? In short, Vital Faith is neglected, inward Holiness is ridicul'd into *Canting banter*, and Heart Religion is quite thrown aside by too many in this degenerate Isle. Therefore if we have a mind to entail these Blessings of Happy Reigns upon us, and the advantages thereof on our Posterity, we must set our selves heartily to work, we must prepare our hearts with continual Praying Faith, our hands with disinterested and Thanksdoing Charity, and our Tongues with sound Words of Christian Moderation, and then proceed to Celebrate our Publick and Private Seasons & Festivals of Prayer and Thanksgiving. For which purpose I have for the Good of Families & Servants, or the Poor and the Publick, compos'd this small Paper, shewing the Nature, as well as Preservation of, and Preparation for, that great Duty of Publick and Private Prayer and Thanksgiving for

Private and Publick Blessings. In order hereunto, I shall reduce my Thoughts upon this necessary Subject of Subjects, to as narrow a compass as the Prospect of being in some measure useful to the Poor and Publick, as well as to Families & Servants, will permit. See, The Poetrie of Godly Prayers, by *Nich. Themilthorpe*, E. q; in 12. The Supplication of Saints: A Book of Prayers and Praises, by *Tho. Sorocold*. The Mothers Blessing, by *Dorothy Leigh*, in 22. Lond. 1650. to 1673.

Religion with Prayer and Thanksgiving has been always thought by the Superior part of all Mortals, to be the only Cement of Mankind, the First Pedestal of Empire, and the greatest Bulwork of Government, and the only safeguard of Families & Kingdoms: When that great Master of Human Reason and Politicks *Aristotle*, in his 7th Book and 8th Chapter, of his Polity, had enumerated all the necessary things for the Subsistence and Ruling of a City, without which there could be no Subsisting as, Food, Arts, Arms, for Private and Publick use; but then truly, says he, the first thing is the whole of Religion, or what belongs to the Divine Worship, which is call'd Priesthood or Sacrifice, &c (*πρώτον τὴν περὶ τὸ θεῖον ἐπιμέλειαν, ἢ καλοῦσιν ἱερατείαν*.) *Romulus* soon apprehended that his New Walls of *Rome* would be but of little use or permanency without the inviolable Counterescarpes of the Temples, which he betimes erected, with as great care and diligence as he had begun the Foundations of his New City, in Thanksgiving to *Jupiter Stator Feretrius*, for the great Victories and Successes he had in the difficult Settlement of his new rais'd Common Wealth, which his own instinct prompt him that such benefits must have proceeded from some over-ruling Power'd Deity or other, as sure as his reason could not in vain, rowze in him a Sense of Gratitude to his unknown Benefactor, of whom it seems he had no other Notion nor better Name than that of *Jupiter*, whereby he might call upon him, and testify his Gratitude unto him. His Successor King *Numa*, made it his whole or chief business to pursue on, the squaring of the growing *Roman* Empire, according to the best basis of Religion, he could hear of at that time; which had so good effect, that their Neighbouring Enemies, who had devoted that rising City to their irreconcilable hatred and vengeance, and unanimously conspired its irretrievable Ruin and Destruction, yet now when they perceived that it was wholly taken up with the Worship and Religion of their Deities, they became so cool and bashful, that they thought it was more than ordinary Wickedness, to disturb or violate it: The Historians Words be, (*in eam verecundiam adducti fuerint, ut civitatem totam versam in cultum Deorum violari ducerent nefas*, *Livius* lib. 1. Dec. 5. *Hist Rom.*) The same grave Historian assures us, that those Ancient *Romans*, being all in a Panick fear after the defeat of their Army at *Allia* by the *Gauls*, and in that general consternation forgetting to shut the Gates of the City against those *Gauls*, who by that time had advanc'd to the Walls of *Rome*, and the *Romans* having lost all hopes and courage to defend either their Lives or Fortunes, and being in utter de-

pair of ever recovering themselves or City, yet their Notion for Religion in general was so infix'd and Rooted in their Minds, that with common consent they resolv'd however to save and preserve from the utter ruin of the City, now all in Flames, all the things that any ways belong'd to their Religion and Worship, which they had determin'd not to forsake, as long as any should be remaining or alive to perform it (*nec ante deseri cultum Deorum quam non superisset qui colerent, Liv. lib. 5.*) This Natural Gratitude and Zeal for Religion in general, tho' ever so erroneous and abominable in particular, may argue our Negligence, who will not practice what the very Heathens are not ignorant of, that 'tis good and laudable, (*hinc argui negligentiam suam, distant, qui id facere nolunt, quod bonum esse etiam hujus seculi homines non ignorant, Hieronym. lib. 1. contra Jovinian.*) For 'tis to be discern'd and distinguished, that the building of Temples, and the Instituting of Priests and Sacrifices, were not so much to be blam'd amongst the other Sacrilegious Rites and Ceremonies of the Pagans, but their mistaking of the right Object and Subject of such things, Offering and Consecrating them to Idols and Devils, instead of the true God, &c. (*Non hoc culpari in sacrilegis ritibus Paganorum quod construant templa & instituant sacerdotia & faciant sacrificia, sed quod hæc Idolis & demonibus exhibeant—Cum hæc exhibentur Deo secundum ejus inspirationem atque doctrinam, vera Religio est; quum autem Demonibus secundum eorum impiam superbiam, noxia superstitio, &c. Augustin Epist. 49. Tom. 1.*) The inborn inclination of Thanksgiving and Gratitude to a Religious Worship in general, is still to be seen in even the most Barbarous and Savage of all Mortals, the *Tartarians*, and the *Americans*: The first, tho' through the Brutal Stupidity of their understanding, they did not arrive to the true Notion of God, yet because they clearly perceiv'd in spite of their Natural Blindness and infatuation, that they themselves, as well as all other things, were certainly over-ru'd by some Divine Nature, which did good to Mankind in particular, but reflecting that the Stars did them the most Service, and were most beneficial to them in all their Affairs, and wandrings in dark Deserts and Solitudes, especially in the Night-time; they thought it reasonable to return to the Stars their Solemn Thanks, by a perpetual Homage and Duty, for such benefits as they imagined they chiefly receiv'd of them (*propterea & majora sydera & conspicuas stellas pro Dijs adorabant, quarum observatione in eâ vastitate camporum certa itinera tenere didicerant, Jov. lib. 13. Hist. &c. Ortel. in Theatr.*) To these Heathens may be added the *Turks* or *Mahometans*, whom the fullness of Time could no more improve than they could the Law of Nature, unless it was into a greater degeneracy, and a more inexcusable Condemnation: Yet in spite of all their unaccountable Clouds of Darkness, which they cast upon the light of Nature, they could not so extinguish it, but that they as well as the Heathens must see in general, there was a God to be worshipped with Prayer and Thanksgiving, which they so rigorously perform five Times a Day, with so much seeming Devotion, much as the Papists, that a great many Christians may thence take occasion not so much to blush at as to stir up their Religious Warmth (if any left) to a brighter Flame, least it may be said to them by the Author of the light of Grace, (*Math. 11. 23, 24.*) *And thou Capernaum which art exalted into Heaven, shall be brought down to Hell, for if the mighty Works which have been in thee, had been done in Sodom, it would have remain'd until this day: But I say unto you, that it shall be more tollerable for the land of Sodom in the day of Judgment than for thee.* Tho' the *Turks* seem to adore but one God, yet they pray to Saints and Shrines, with abundance of Genuculations and Prostrations as the Heathens and Papists do; and have their Canonical Hours and Beads for praying as the Papists have, which is describ'd at length by *Cuspinianus De Religione Turcarum*, &

Septemcastrensis, publish'd by *Luther, lib. De Miribus & Religione Turcarum, cap. 13. & 15. Magno rigore quinquies in die precipit orandum horis & temporibus assignatis: Prima oratio fit oriente so'e & continet quatuor Erket & duobus Chalamat: Erket autem est geminata inclinatio cum totidem prostrationibus. Chalamat est secreta Oratio quæ cum certis ceremonijs perficitur post quamlibet prostrationem. Secunda Oratio fit circa meridiem, continet decem prostrationes & quinq; Orationes secretas: Tertia fit vespertino tempore, continet octo prostrationes & quatuor Orationes secretas: quarta fit occidente sole, habens quinq; prostrationes & tres Orationes secretas: Ultima cæteris prolixior, post cænam tardiori fit hora, habens 15. Erket & 8 Chalamat. Ad has Orationes unusquisq; tenetur cum Parochiano suo & in Ecclesiâ propria nisi legitime impediatur tunc enim in omni loco, hæc licite facere potest. Multi sunt peculiare Turcis sancti sed præcipui Mahomet & Sedichasis, &c.* The same Sense of a Religious Gratitude Thanksgiving in general, may be also seen in the rude and wild *Americans*, related by *Ferdinand Cortez's* Narration of the New World, p. 551. especially as to their Magnificent Temples, which they build in return of Thanks to their Gods, for the favours which they foolishly and wickedly imagine they receive from them continually, but particularly in all their great Successes over their Enemies. 'Twas from these Principles of Natural Religion and from these Motives of inbred Gratitude and Thankfulness, that the wise Heathen Lawgivers or Philosophers Consecrated and initiated all their respective Commonwealths in the timely duties of their corrupted Natural Worship of their Deities, (*Lycurgus Lacedæmonios, & Numa Romanos, & Ion antiquos Athenienses & Deucalion Græcos ferè omnes Dijs consecraverunt &c. Plutarch advers. Calot.*) to the best of their tainted knowledge, by the offuscated light of Natural Reason. Nay the same renown'd Heathen Philosopher, *Plutarch*, advances further, and calls in the very Brute Beasts for Witnesses, in this Cause between Atheistical Ingratitude and Natural Instinct of some Religion or other, in an excellent Dialogue, whether Beasts use Reason, wherein *Gryllus* disputing with *Ulysses*, shews, that tho' the Beasts themselves follow nothing but meer Nature for their Guide, and therefore return Thanks to God as much as their Natural pent & inclination requires of them, yet they seem even by that only, to Glorify their Maker, more than Ingratefull Atheists (in practice, if not in profession or opinion) who practically resist the instinct of Natural Religion, as well as the light and ordinance of reveal'd Worship; both which they

they endeavour to stifle and extinguish, by the continual Drudgery of an unthankfull and (consequently) an Atheistical Life, or rather Death, as to all the Functions even of all Religion in general, especially as to that rational Duty and reasonable Service of returning Thanks to God, their Creator and continual Benefactor. For we know that the whole Creation groaneth and travelleth in pain until now, &c. (*Rom. 8. 22.*) For the Creature was made subject to vanity, and willingly, but by reason of him who hath subjected the same in hope; because the Creature it self shall be deliver'd from the bondage of Corruption, into the glorious liberty of the Sons of God, (*Rom. 8. 19. 20. 21.*) Because that which may be known of God, is manifest in them, for God hath shew'd it unto them: For the invisible things of him from the Creation of the World are clearly seen, being understood by the things that are made, even his Eternal Power and Godhead; so that they are without excuse: Because that when they knew God, they glorify'd him not as God—and their foolish heart was darken'd,—And chang'd the glory of the uncorruptible God, into an image made like to corruptible Men, &c. (*Rom. 1. 19. 21, 22, 23, 24, 25, &c.*) This is the case of too many Christians as well as of Heathens, Barbarians, Brutes and Savages; nay the commonality of Christians are so sensible of the general want of true Praying Faith, and of the universal neglect in due performing our Duty of returning thanks to God for his innumerable Divine Mercies, that the continual familiar and easy custom of Slandering and Back-biting one another, has almost taken away not only the Guilt and Sinfulness from the Sin of Defamation, but also the penalty and very name thereof seems to be banish'd from Christian Society, (*O tempora, O mores!*) and consequently seems to entitle and authorize us, with the popular Warrant of inveterate custom, to Snap, Bite, Criticize, Satyrize, Banter, Tear, and even Devour one another with all sorts of bitter invectives and unmerciful Slanders, and that often times in cold Blood, without any Personal Provocation, nay without any Personal knowledge of one another, (*O cecities male dicendi!*) upon which account of that Contagious consciousness and Epidemick Cancer of Backbiting, what is more common amongst us all than to say to and of one another, such-a-one is of no Religion at all, going sometimes to Church, and sometimes to Meetings; a Second has a Conscience large enough for a Troop of Horse to Muster in; a Third has sent his Honesty to enquire after his Religion, and both are gone to the Jubily, never, never to re-

turn, but there to remain in the Inquisition, till they go to Purgatory together, upon the same Errand they first set out; a Fourth goes to Church for Fashion sake, or a Church-Occasionalist, or else a Church-Papist, or a meer Flying-horse; a Fifth (says the next) is a meer Camelion in Religion, which he changes oftner than he does his Cloaths, or as often, as he does his Company; a Sixth (says he) is an errant High-flying Jesuit; a Seventh (says the 2d) has as much Christianity in him as a *Tartarean* or *Scythian*; *bei bö!* says the 3d Mr. 8th is a meer Hea-then, he adores no God but his Mony, or his Private Debauchery, for all his whining and canting, and his sitting down to hear D.C.s or B-r's Seraphick emptiness: Ah, an unlucky expression, crys Mr. 5th. I assure you Mr. 9th. Prays and Cants as hard for a livelihood as Mr. any body, and yet can get but a very little custom for his Sunday-goods, tho' Mr. 10th. frequents his Sunday-shop that he himself might have a *Monday-trade*: In short, all the Ten (says the 11th.) are cunning ketching old sinners, that live by the sharp at the expence of Religion, with the sweat of their Consciences, and not half so honest as an *American* Negro, nor half as good Christians as *Turks*: Nay, says the 12th. as for Mr. 11th. he need talk indeed, he believes the Alcoran as much as he does the Gospel, and would as soon part with a Farthing to propogate the one as the t'other, &c. So by this Domestick and Familiar Scolding and Railing, they do a great part of the Devil's drudgery for him, who is stil'd the Accuser of the Brethren; for they accuse one another fast enough: And these sorts of Recriminations and Mutual Accusations, are what the World calls deep Wit, Critical Learning, and Genteel sharp Conversation: I could with we might call them all flat Calumnies and untruths; but I fear there's often times too much truth in them, to make a Jest on't, and that they are too well acquainted one with the t'other, as always to mistake one anothers Character, or altogether to commit a Rape upon one anothers Religion. In a word, those Gentlemen would do a great deal better to say their Prayers, and follow St. Paul's frequently iterated and oft repeated Counsels: See that none render Evil for Evil unto any Man—Rejoyce evermore: Pray without ceasing, In every thing give thanks, for this is the Will of God in Christ Jesus concerning you, (*1 Thess. 5. 15, 16, 17, 18.*) And in so doing we may be so far from fearing any Publick or Private Misfortunes or Calamities, that we may still hope to have continually succeeding occasions to celebrate the Anniversaries of future as well as past Victorious Blessings. 'Twas in this exercise of Christian Faith and Prayer, that those Christian Soldiers, (some says a Legion, and christen them *Legio fulminans*) in the Emperor *Marcus Aurelius's* Army, in the 2d Christian Century, being in Germany, and the whole Army having been for 5 days ready to perish for Thirst and want of Water, and being surrounded by an innumerable Multitude of the Enemy, inso-

much that 'twas impossible for the whole Army to escape an utter destruction, and thereupon the Roman Heathen Soldiers betaking themselves to Pray to their Gods, but all in vain, till the fore-mention'd Christian Soldiers desiring leave that they might pray to their God, who immediately answer'd their Prayers, almost before they had begun, verifying that of *Isaiah* the Prophet, (65. 24.) *And it shall come to pass, that before they call, I will answer, and while they are yet speaking I will hear:* Sending a most comfortable shower of Rain upon the Roman Army, and at the same time Hail and Lightning upon the Enemy. This Miraculous Mercy granted by God to true Christian Prayer, is attested by the Heathen Emperor himself in a Letter still extant amongst *Justin* the Martyr's Works, Printed at *Cologne*, 1618. and elsewhere. And mention'd by *Tertullian* in the 5th Chapter of his celebrated Apology for the Christians, much about the same time of the 2d or 3d Century, in these words: *Si litteræ Marci Aurelij gravissimi Imperatoris requirantur quibus illam Germanicam sitim Christianorum sorte militum precationibus impetrato imbri discussam contestatur.* And the same Author in his Book to *Scapula*, chap. 4. *Marcus quoque Aurelius in Germanicâ expeditione Christianorum militum orationibus ad Deum fallis imbres in sui illâ impetravit.* The same matter of fact is also recorded by *Eusebius* in his History, lib. 5. cap. 5. And by *Orosius* lib. 7 Hist. cap. 15. both living in the 4 and 5 subsequent Centuries. The innumerable Victories granted by Almighty God to the Prayers and Supplications of the Religious Princes in the old dispensation of the true Church of God, as to *Abraham*, *Moses*, *Joshua*, *Gideon*, *Samuel*, *David*, *Ezekiah*, *Josiah*, and others, are to be set forth more at large in the ensuing Papers; but the Pious examples of the same kind, describ'd in the Apocryphal Books, being perhaps to be omitted there, shall be hinted at here, they bearing the Authority at least of Ecclesiastical Writers: Such therefore glorious consequences and examples of Victorious Prayer and Thanksgiving may be seen and follow'd in *Baruch* 1. 13. 17. 21. & 3. *Daniel* 13. 42. 43. 44. *Esth* 11. 10. & 14. 3. *Tob* 3. 1. 11. 12. & 8. 5. 6. 7. & 13. 1. *Judith* 4. 9 & 8. 31. & 9. 12. & 13. 7. 1. *Esd* 8. 73 & 9. 46 & 2 *Esd* 8. 20. & 1. *Machab* 3. 53 & 11. 7. & 4. 24. & 2 *Mach* 6. 30. & 8. 14. & 3. 3. & 1. 6. *Wisdom* 9. *Ecclesiasticus* 35. & 36. & 51. But particularly in 2 *Machab* 9. 13. the Atheistical enemies to practical Christianity or religious morality may see their doom in the wicked *Antiochus*, whose Prayer to God was rejected; in the Ecclesiastical Writers also of the New Testament, we may read such like examples of National & Family Blessings, as well as Victories and Prosperity, granted by Heaven to Praying Princes & a thankfull People: As that of *Constantine* the great, the first profess'd Christian Emperor, in *Euseb* lib. 9 Hist. cap. 9. *Augustin* 5 *Civit* D. c. 25 & c. And that of the Emperor *Theodosius* the elder, whose steadfastness in the Orthodox Faith and Christian Duties was crown'd with such incredible Successes, that *Austin* in lib. 5 *Civit. D.* c. 26. says that in his Battles the Darts that the Enemies flung against his Army were miraculously reterced upon themselves: And the cotemporary Historian *Theodoret* adds that the Apostles *John* and *Philip* upon White Seeds were seen to fight for him: Which strain of Christian Poetry in Prose, was put into Numbers by the Poet *Claudian* *Te propter gelidis Aquilo de monte procellis Obruit adversas acies, revolutaq; tela Fortis in Austrores & turbine repulsi hastas: O nimium Dilecte Deo, cui fundit ab antris Aeolus armatas hyemes, cui militat Æther, Et conjurati veniunt ad Classica venti.* However this is certain, that he having prepar'd force against the Usurper *Maximus*, who Murder'd *Gratian*, and having fortify'd himself by Prayer and Fasting, he defeated him in *Hungary* and *Aquelia*, where the Soldiers cut off *Maximus's* Head.

The same venerable Bishop *Augustinus*, in the same 5th Book of the City of God, chap. 23. relates much to the same purpose of the Orthodox Emperor *Honorius's* Victorious Piety and Prayers, &c. That Almighty God fought so eminently of his side, that there were in one Battle above a 100,000 of the Heathenish *Goths* kill'd upon the Spot, and their King *Radaga-*

isus with his Sons taken Prisoners and put to Death, and not one of the Christian Army so much as wounded, much less Slain. And the grave Ecclesiastical Historian *Socrates*, of the same 5th Christian Century, with *Austin* and *Honorius* before-mention'd, assures us that the Christian Emperor *Theodosius* the younger, gave himself wholly up to Prayer in his Capital City, whilst his Army drove about a 100,000 of the Idolatrous *Saracens* headlong to utter Destruction into the River *Euphrates*, where all of them miserably perish'd. But no such Historian Notion can ever produce greater or more Instances of Heavenly National Blessings and Victorious deliverances and Successes proceeding from and owing to Religious measures and views of our Praying and fervently Zealous, as well as Fighting Princes, than the Island of *Great-Britain*, under his present (as well as the Two last) Sacred Majesty, to whose truly Christian, as well as entirely *English*, Heart, our Merciful God seems to have granted a *Constantine's* Zeal, an *Honorius's* Piety, and the *Theodosian* gift of Successful measures or careful Prayer, without any alloy of their Personal imperfections or of the degeneracy of their times. 'Tis he that can say with that Prince, who was after God's own Heart, therefore hath thy Servant found in his heart to pray this Prayer unto thee, 2 *Sam* 7. 27. And when his People cry to him, as the Children of *Israel* did to *Samuel*, Cease not to cry unto the Lord our God for us, that he will save us out of the hand of the *Philistines*, (1 *Sam* 7. 8.) 'Tis he is the *Samuel*, of whom 'tis said, And *Samuel* cry'd unto the Lord for *Israel* and the Lord heard him (1 *Sam* 7. 9.) 'Tis he that can say with *Samuel*, to his People, Behold, I have hearken'd unto your Voice in all that ye said unto me.—Moreover, as for me, God forbid that I should sin against the Lord, in ceasing to pray for you, but I will teach you the good and the right way; only fear the Lord and serve him in truth with all your heart; for consider how great things he hath done for you, but if ye shall still do wickedness, ye shall be consumed, &c. (1 *Sam* 12. 1. 23. 24. 25.) 'Tis he that has his heart-prayer for his People answer'd with *Moses*, Wherefore cryest thou unto me? Speak unto the children of *Israel*, that they go forward (*Exod* 14. 15.) Now *Hannah*, she spake in her heart, (1 *Sam* 1. 13.) 'Tis he that can say with the Princely Christian Spirit, to his people, Be ye followers of me, even as I also am of Christ, (1 *Cor* 11. 1.) For first of all, when ye come together in the Church, I hear that there be divisions among you, and I partly believe it, (1 *Cor* 11. 18.) But if ye Bite and Devour one another, take heed that ye be not consum'd one of another, (*Gal* 5. 15) What will ye? shall I come unto you with a Rod, or in love and in the Spirit of Meekness? (1 *Cor* 4. 21.) How is it then, Brethren, when ye come together, every one of you hath a Psalm, hath a Doctrine, hath a Tongue, hath a Revelation, hath an Interpretation: Let all things be done to edifying—For ye may all Prophesie one by one, that all may learn and all may be comforted—For God is not the Author of Confusion but of Peace, as in all Churches of the Saints—If any Man think himself to be a Prophet or Spiritual, let him acknowledge that the things I write unto you are the Commandments of the Lord; but if any Man be ignorant, let him be ignorant—Let all things be done decently and in order. (1 *Cor* 14. 26. 30. 32. 33. 37. 38. 40.) Wherefore Brethren, covet to Prophesie, and forbid not to Speak with Tongues—But foolish and unlearned Questions avoid, knowing that they do gender strife: And the servant of the Lord must not strive, but be gentle unto all Men, apt to teach, patient, in meekness instructing those that oppose themselves, if God peradventure will give them Repentance to the acknowledging of the truth, (2 *Tim* 2. 23. 24) I could wish that all his Majesties People would Answer his Royal Zeal, and Religious Prayers and measures for the unity and Christian Happiness of his People with the Divine Wife Man's Resolution and Submission, (*Prov* 24. 32) Then law and consider'd it well, look'd upon it and receiv'd instruction (See The Doctrine of Thankfulness, by *Jeremie Lewis*, in 4 *Lond*. 1619. and, The Treasure of Poor Men, in 8 *Lond*. 1554.)

T H E

Clergyman's - Post,

O R, A

Church-Divin's Doctoral CATECHISM,

W I T H A

Christian's Tryal and Examination according to the old *News*
of *Primitive Christianity*.

For the Instruction of Some, and the Reminding of Others, as well as for to
oblige (if possible) the Inexorable of the Clergy.

M.  HAT must we understand by
thus multiplying the *Idea* of
the Word *Post*?

D. 'Tis to be taken either as
the variable Characteristick of
the Age, or as the unsteady and common Em-
bleme of the Times: wherein 1st most People
seem to be in Post-hast after Party-*News*, with
Party-Rage, for Party-Advancement: 2^{dly},
Nothing seem's now palatable or passable
without the alterable Dress of changeable *News*
or Novelties, or even of Party-Innovations:
3^{dly}, The very sacred Places, Times and Things
seeme to be chiefly frequented, even by many of
the Officials in ordinary, for the *hasty* Tidings
of some Party-Invectives, or Party-Interest:
4^{thly}, All wou'd feign *ride-post* to the Accom-
plishment of their own Wishes or Partialities:
5^{thly}, Most make Post-*Hast* to be *rich*, tho' they
seldom arrive to any other *Post*, but that of
their *Woe*: 6^{thly}, Every one is hasty to be *posted*
in the *Leger* of Preferment, Interest, Esteem and
Renown, tho' most deserve to be *posted* for and to
the quite contrary, in the Black List of *Damage*
and *Loss*, with the *insolvent* Debtors to Human-
ity and Goodness: 7^{thly}, All wou'd willingly be
in the *Post-way* to *Learning* and Happiness, tho'
most, obstinately *Post-on* in the *High-way* of *Ignor-
ance* and Destruction: So that such beat their
Brains about a *Post* to as little Purpose, as to *Post*
one another in Postscripts of Post-*News*.

M. What is the best Method to find out the
Post-Road for the most ready Instruction and
most expeditious Wisdom in Religion?

D. First, to begin with that grand Postulat
of the ancient Masters of Method and Reason:
viz. That, who do's not learn rightly to under-
stand *Words*, use's commonly to be deceiv'd in
the things themselves, as 'tis recorded by the
great Professor of Natural Religion, *Plutarch*,
in his Book, of *Isis* and *Isiris*, 'Αειταλέγεται ὅτι
τοῖς φιλοσόφοις τὸ τίς μὴ μαθάναντες ὀρθῶς ἀκούειν
ὀνομάτων, κακῶς χρῆσθαι καὶ τοῖς πράγμασι. The
next Step or Postulat must in the natural and
immediat Consequence of the first preceeding
Preliminary; be, to consider of the principal
Terms in Hand by a due Limitation of their
respective Significations; whereof the Chief
in Debate at present, be *Laity*, *Clergy*, *Orthodo-
xy*, *Heterodoxy*, *Cacodoxy*, *Herefie*, *Schism* and
Church. So that the Nature of those Terms
being rightly understood and agreed upon, ac-
cording to the usual Preamble of the Mathema-
tical Arts and Sciences, we may the better
comprehend and agree upon the Truth of the
Things that are signify'd thereby: As 'tis well
advise'd by another great Doctor of the Light
of Nature, *Plato*, in *Cratyl*. 'Ὅς αὐτὰ ὀνόματα εἶδεν
εἰσεῖν καὶ τὰ πράγματα; who perceives the Names
themselves, will also conceive the Things.

M. What then do you understand by the
Words, *Laity* and *Clergy*?

D. As

D. As to the Name *Laity*, 'tis without any Controversy deriv'd from the Greek Word, λαῖα, signifying a People in general; tho' that *Hellenism* originally imported a Stone (as the veteran *Greek* Commentators on *Pindar*, in *Olymp.* 9. and upon *Aratus* in *Aquar.* observe,) and thence transfer'd to signifie a Commonalty of People, by reason of a sort of a Resemblance in general native *Hardness* and *Heaviness* or *Lumpishness*. Which gave the Occasion to the Heathen Fable, of Mankind being retriev'd by *Deucalion* and *Pyrreha's* Casting of *Stones* behind them, which were immediatly turn'd into *Men* and *Women*, after a general *Deluge*, wherein all had perish'd, except those two. Hence the word *Leud*, was us'd to signify not only a Person not in *Church-Orders*, but also an *ignorant* Person, whether in *holy Orders* or no: And therefore the famous Father of *English* Poets, in *Henry 7's* Reign, *Sr. Geoffrey Chaucer* call's an *ignorant* Clergyman, or Minister of a Church, a *Leud* Vicar or Parson: His obsolete *Saxon-English* Meter run's thus in his Fable of the Apparitor: This every *leud* Vicar and Parson can say &c. And in *Prolog.* No wonder is a *leud* Man to rust, If a Priest be foule on whom we trust &c. And near upon 300 Years before *Chaucer*, another of the most considerable Scholars of his Time, *Petrus Blesensis*, then Chancellour of the Diocess of *Canterbury*, use's the Latin Word, *Laicus*, likewise for an *ignorant* Person, in opposition to the Term, *Litteratus*, Learned; as may be seen in his Appendix to our old Monkish Historian, *Ingulphus*, (which he writ at the Request of the Abbot of *Croyland-Abby*, as *Vossius* and *Brian* *Twin* inform us) *Edit. Francof.* 1601.

The Word *Leud*, is still us'd in proper *English* to signify an ignorant, ill-bred, debauch'd, or vulgar Person. Tho' some will have, the Words, *Ld.* and *Lady*, to be thence deriv'd as Heads of the *Laity*. However, the Terms, *Laiety* and *Laymen*, without any further Debate, are now universally taken for Persons who are not in Priestly Commission, or Ecclesiastick Orders: As on the contrary the Words, *Clergy* and *Clergymen*, are unanimously made Use of to signify Persons in holy Orders, or, set apart by the Mosaical, or Episcopal, or Congregational, or National Authority for the performing, in ordinary, of the respective Functions and Ordi-

nancies of and in the several Churches or Congregations, Assemblies, Meetings for Divine Worship. Of which kind, more or less, there has been ever since the Law of *Moyse* in all the Professions of all the Religions as yet known in any Part of the known World, except perchance amongst the People call'd *Quakers*, who professedly renounce all Pretensions to any outward Decency or Authority of any Clergy, and much more to any visible Ordination or deriv'd Succession of any Priests, Clergy, or particular Set of Church-Ministers, in their Religious Worship, which they pretend to administer to, by, in, and with an inward occasional Call to *extempore* holy Orders or Instructions, by vertue of a sudden Descent, or unthought of Motion and Inlightening of a holy Inspiration, or of a more than ordinary Favour or Grace of God, according to the Measure of the respective *Wayting upon the Lord*, in the Silence of the Mind and Stillness of Soul and Body.

As for the Terms, *Clergy*, or, *Clerics*, or, *Clerks*, 'tis a great Question, when they first began to signifie Priests, or any Church-Officer whatsoever. 'Tis true, *Tertullian* and *Origen* in the 3^d Christian Century, us'd both those Words (*Laity* and *Clergy*) in the common Acceptation, which prevail'd ever since, to distinguish Persons qualify'd with Ecclesiastical Orders, from those that are not so ordain'd or commission'd to perform Divine Services, and to administer the Christian Mysteries, and other Church-Ordinances. But 'tis still a greater Question, from whence that Word *Clergy* was originally deriv'd, to signifie such Ecclesiastical Persons, or Church-Ministers only. In it's first *Greek* Etymology, it imply'd a Lot, or Partition, or Portion: Whence the Heathen Astrologers transfer'd it to import, good Fortune, by the Phrase of κληρὸν τύχης, as may be seen most eruditely made out, by our Learned Mr. *Selden*, *De Diis Syris*, Syntagm. 1. à p. 8. ad 12.

But as to its Ecclesiastical Pedigree, *Origen*, *Epiphanius* and *Jerome*, (the only three, or at least the chief Scripture-Criticks of all the Fathers) seem to deduce it from *Jeremy* 12. 13. where they read, *Cleri eorum non proderunt eis*; their Clerks or Clergy, or Lots shall not profit them. But the *Roman* vulgate Translation, read's, *Hereditatem acceperunt & eis non proderit*: They

have receiv'd an Inheritance, and it shall not profit them. Our *English Bible* has it thus: *They have put themselves in Pain, but shall not profit.* So that those three old Gentlemen must stand or fall by themselves. Others derive it from *Numb.* 18. 20. and *Deut.* 18. 2. where 'tis say'd of the *Levites, The Lord is their Inheritance.* To which Text some will have *St. Peter, 1. Pet. 5. 3.* allude: Neither as being Lords over God's Inheritance: Which last Word in the Original is named, *κληρων, Clerorum vel Sortium, Clercks, or Lots:* Whence they will have the Word, *Clergy,* in the modern Signification to be descended.

But 'tis much more likely the Apostle *Peter,* in the foresaid Text, had other Originals of the *Old Testament* in View; as that of *Isaiah. 19. 25. Israel mine Inheritance &c.* especially since all the most noted Interpreters of *Peter's* Expression, *1. Ep. 5. 3.* understand it no otherwise than what the plain Context demonstrate's, viz. that it can't be reasonably meant but of the Christian Flock, or People, or Laity. Our famous *Salisbury-Chanter, ibid. pag. 723. edit. ult.* take's indeed that Text in a particularizing or partial and occasional Turn: viz. that *St. Peter* forbid's the Elders of the Church from *Lording* it over the *Collections* of Money, or Donations or Distributions, deposited in the Church by the first Christians, *Act. 2. 44. 45. &c. Bellarmine* likewise with some of his *Roman* Expositors, will need's have that Text of *St. Peter,* by a new sort of Comprehension, to imply both the *Clergy* and *Laity* in their distinct Capacities.

Tho' those skruing Restraints be so evidently fond and precarious, that they scarce need any further Animadversion, yet I will produce an Evidence or two, to the contrary, that is, one of the primary and ablest Scripture-Criticks of each Side, to convince *Bellarmino* and our Chantor of Singularity in this Case: viz. *Laurentius Valla* (who first prepar'd the *Greek* Original Text of the *New Testament* for the Press, just before the Reformation, and edition'd by *Erasmus* in 1515.) of the *Roman* Learning, and *Hugo Grotius* of the *Protestant* Doctrine: Whereof the first write's thus in his Annotations (Edit. Par. 1505.) on the *New Testament, 1. Pet. 5. 3. Nunquam in Scriptura Sacra nomen hoc [Clerus] tribuitur specificè Ecclesiæ Pastoribus, nedum solis.* And *Grotius* upon the same Text,

and *Ephes. 1. 11. Hinc deducta &c.* Hence by a borrow'd Similitude the *Hebrew* People were call'd the Clergy of God, *Deut. 4. 20.* and *9. 26.* and *32. 9.* and *1. Reg. 8. 51.* but now those who believe in Christ, viz. Christians in general. Upon these two decisive Depositions and others, the peremptory Judgment of *English* Orthodoxy may be heard from *Dr. H. Hammond* in his Reply to the *English Cath. Gentl. Apol. c. 4. sect. 2. §. 13.* Proportionably (says that Oracle of the Church of *England*), *Those* that any Gouvernour of the Church is set over, are call'd his κληρὸς, Clergy or Lot, and *1. Petr. 5. 3.* Such Gouvernours are commanded μὴ κατακυριεύειν τὴν κληρων, not to behave themselves as the *Roman* Pretors were wont to do over their several Provinces, oppressing and tyrannizing over them. And in his Paraphrase and Annotation on that Text of *St. Peter, 1. Ep. 5. 3.* that Orthodox Critick proves the same Sentiment at large, tho' not without casting in, some of his darling Notions out of the *Roman* and *Grecian* Antiquities; which he labour's to meet withall in the *New Testament* oftner than ever those holy Writers cou'd well allude to; since their natural Callings as well as their supernaturally superstructed Divine Energy seem'd inseparable from a natural Simplicity of Words and obvious direct Meaning, rather than applicable to such farfetch'd Allusions or Expositions; much less cou'd they well reflect upon the Gnostick Hereticks so often as that Learned Gentleman seem'd to imagine; especially if it be far more probable, that those Gnosticks were scarce in being, for several Scores of Years after; unless perchance the Successors of those ill or half or no true Christians, which seem to be reflected upon sometimes in the *New Testament*, might possibly indeed be afterwards in the 2^d or 3^d Century be call'd false Gnosticks, whereas the true ones were Christians.

M. Now, before you go any further on, in your foremention'd Clergy-Definitions of the true Meaning of the chief appendicular Terms of the Cause in Hand, pray, strike up a Tune or two of Sacred Harmony (to make it up twelve penny worth for a Convert's Fare) of the prodromal Axioms in this Clergy-Case: So as to tell us, when or how to date the true Original of the Christian Religion in it's universal Comprehension.

D. The

D. The first aboriginal Establishment of the Christian Religion was the *Everlasting Gospel* in the *Book of Life*: Whereof the first Edition was from all Eternity in, by and with the Second Person of the Holy Trinity, being the co-eternal, co-essential and self-subsistent Word of, with and from God the Father: The Second Edition was in the *Lamb of God*, slain from the Foundation of the World: The Third Edition or Publication was in all Good People of the Law of Nature and the Law of Moyses: The Fourth Edition was in the Incarnation, Nativity, Preaching and Suffering of the Second Person of the Holy Trinity, Son of God, Jesus Christ our Saviour in the *Flesh*: The Fifth Edition was in the Sacred Canon of the New Testament, published and recorded by the holy Apostles and Evangelists: The 6th Edition was, is, and ever will be by God the *Holy Ghost* with unsearchable and inenarrable *Vital* Characters in the *Hearts* of all true Christians, true Believers or Good Livers from the Beginning of Christianity, to the End of the World, together with *Irenastical* Subordination to higher Powers and Prophecies. 1. *Cor.* 14. 28. to 34. *Exod.* 32. 32. *Psal.* 69. 32. *Phil.* 4. 3. *Revel.* 4. 3. & 5. 3. 4. 5. & 10. 8. 9. & 13. 8. & 14. 6. 7. & 20. 22. & 21. 27. &c.

Hence it may be convincingly evident, even to an undeniable Conviction, that Almighty God ever had, has, and will have some of all Ages, Nations, and Conditions, which ever were, are, and shall be sav'd, as belonging to the true Christian Church, which was ever *Catholick* and invisible, as hard to be seen, tho' not *Catholickly* invisible, as not possible to be seen; and which is no otherwise one, than as our one Redeemer and Mediator Jesus Christ, it's one onely and sole proper *Head*, both as to the invisible Unity of Souls, and the visible Bond of Charity of Communion of the *Catholick Church*, as subsisting in it's several Parts and separated Worships, Independant one of another as to any Constraint or Coercion in Religion, but not without an indispensable Obligation to depend, even for Conscience sake, on the supreme respective National Government, as the sole proper Head of Temporals, and even of all mixt outward Spiritualities, as any ways beholding to the respective Temporal Power and Laws, which if not manifestly repugnant to the express Law of God or Nature, every

individual Christian, as such, ought to conform to, as well as to keep inviolably within the establish'd Pale of the publick Peace or Tranquillity and of the respective National Welfare, under the Regulations of the Supreme Government.

These Fundamentals of the Christian Oeconomy, are so incontestable, that the *Evidences* need only be call'd over without any further Examination: viz. Dr. Hammond in his Fundamentals, c. 3. §. 10. So all the *Heathen* Wisdom was the farther Explaining those Obligations (towards our Maker and towards our selves); their Natural Philosophy was but a kind of Comment on the Creation; and that a most proper Ground of Obedience to that Almighty Creator: And their Moral Philosophy, especially that of *Epicurus*, *Socrates*, *Pythagoras* and *Aristotle*, very fit to superstruct Vertu upon &c. Bishop Overal in the Convocation-Book lib. 3. Can. 36. p. 91. If any Man therefore shall affirm — that there was then (in the *Old Testament*) no *Catholick Church* — or that many of the *Gentiles* were not always (for ought that is known to the contrary) true Members of the *Catholick Church*, — or that the said *Catholick Church*, after the Members of it were dispers'd into all the Places of the World, was otherwise visible, than *per partes* — or that the High-priest among the *Jews* had any more Authority over the *Catholick Church* of God, than King David had over the universal Kingdom of God — he doth greatly erre. *Placet eis.* & Can. 5. lib. 2. p. 157. 158. --- or that all the particular Churches in the World are otherwise to be term'd *One Church*, than as he (our Saviour Christ) himself is the *Head* of it --- or that it was more reasonable or necessary to have one Bishop over all, or that every Parish with their Presbyters should be an Independant Church, than it was to have but *one* King over all, or that every Parish should be an absolute Kingdom. — he doth greatly erre. & Can. 10. l. 2. p. 274. or that the said *Catholick Church* of Christ (as he is the chief Bp. over all) is otherwise visible on the Earth, than by the several particular Churches in it, and sometimes by General and free Councils lawfully assembled --- he doth greatly erre. *Herb. Thorndike*, of Weights and Measures, c. 8. p. 50. & c. 5. p. 33. 34. *Justin* the Marryr, in *Apol.* 2. Ed. Paris 1636. p. 83. *Euseb.* l. 1. H.E. c. 4. & l. 1. *Demonstr. Evang.* c. 5, 6. *August.* l. 8. *Civit. Dei*, cap. 35. p. 61. & l. 18. c. 47. Ed. Geneva, 1622. *Calvin de Ver. Eccl. Reform.* p. 485. & contra Error. *Serveti* p. 834. 892. &c.

By the Author of A. B.

Clergyman's-Post,

O R, A

Church-Divin's Doctoral Catechism.

M.  Ray, let some more of your Reasons, Warranties and Vouchers of the *Everlasting Gospel* of Christianity's original and universal Publication and Redemption (as to the sincerely *upright* and *conscientious* People of all Ages, Nations, and Conditions, in and with their respective Subordination to those that *can* most or best, and to those that *know* most or best, as well as with a due Communication of and to all) give in, their further Evidences and conclusive Reasons.

D. First then, the ancient *Ignatius of Antioch*, may be heard, in his Epistle to the *Magnetians*, *sub fin: Non enim Christianitas in Judaismum credidit, sed Judaismus in Christianitatem: Omnes denique Gentiles aequaliter crediderunt, &c.* See *D. Wake's Transl. and Notes thereupon*. On the contrary (says *M. Thorndike* in his, *Just Weights and Measures*, Ed. in 4^o *Lond.* 1662. p. 5.) to the *Jews*, the Service of God according to Christianity, sanctifieth all Times, all Places, all Gestures, all Circumstances that can pretend to express, to procure, to advance, that Attention of *Mind*, that Devotion of *Spirit*, wherewith Christians profess to worship God, in *Spirit* and in *Truth*. — *ibid.* c. 5. p. 33: where by the *Church* pretendeth not to be a *Commonwealth*, because it leave's all Civil Powers and States in *Statu quo*, as it found them — but it appeareth to be a Society visible in the *Governors* thereof — c. 8. p. 50: Now it is true, every Christian hath the Judgment of Discretion in the Choice of Religion, in point of *Fact* (by reason of Divisions) but in point of *Right*, it ought to be otherwise &c. *Idem ibid.* cap. 2. p. 11. Immoderat Charges vain on both sides, — cap. 3. p. 17. In this Estate, Christianity is set-

tled by the Law of Sovereignties — for, the Laws of Kingdoms and Commonwealths are of great Force, to frame the Opinions and Manners of particular Persons, — p. 52. Seeing the Faith and Communion of the Church is the Inheritance of the secular Power, that is Christian, it is manifest that he is trusted for his Subjects in Matters of Religion to no purpose, if he be to trust the Church at large, in the Matters of his Office — p. 53. there will need no more for his (the Sovereign's) Discharge to God, than the Use of that Judgment, which God hath endow'd him with to discern whether the Rule (consent of the whole Church) which he protecteth (maintaining them in their Office, whose Office it is, to forme that, which his *Act* must make *Law* to his Subjects) be duly apply'd to that which he enacted, or not. — p. 52. Tho' the secular Power be Judge for itself, yet the Church and the Law of the Church is the Rule, by which it is to judge — the Power of the Church produceth no secular Effect — So is the secular Power accountable to God alone for the Use of it — p. 51. Yet is the Sovereign Power Judge also of their (Church's) Judgment, as not only itself a Member of the whole Church and *Heir* to all Right, which the Unity thereof intituleth any Christian to, but also as Protector of the Church and of the Faith and Laws of it — and therefore bound to judge, whether that which the Church either of the respective Dominions, or united with the same, shall determine, be such, as the Unity of the whole Church, either alloweth or requireth or not. Thus far *Mr. Thorndike*, who was Prebend of *Westminster*, and one of the Commissioners for the Church, in the

the famous Essay of reconciling the Dissenters to Church - Unity upon the Restoration of King Charles the 2d, and who with Dr. H. Hammond, Dr. H. Maurice, and Dr. W. Cave, always seem'd to all the truly intelligent Sons of the Church of England, to be the most sincere and impartial Representatives of it's true Spirit, Sense and Meaning, with ABp. Williams, Bps. Goodman, Taylor, Usher, and Forbes; Ld. Herbert, Ld. Clarendon and Mr. Nelson.

The next Voucher of those comprehensively convincing Reasons may be the forecited Christian primitive Martyr, Justin, Apol. 2. Ed. Paris, 1636. p. 83. Τὸν Χριστὸν περὶ τέτονον τῷ Θεῷ εἶναι ἐδιδάχθημεν, καὶ περὶ μυσταμῶν λόγων ὄντα, καὶ πᾶν γένος ἀνθρώπων μετέχει, καὶ οἱ μὲν βιώσαντες, Χριστιανοὶ εἰσι, καὶ ἄλλοι ἐνομιώσαν, οἱ τοὶ ἐν Ἑλληνισμῷ Σωκράτης, Ἡράκλειος, καὶ οἱ ὁμοιοὶ αὐτοῖς, &c. Now to this Moral Law of God, (say's ABp. Usher in, The Power of the Prince, and Obedience of the Subject, publish'd by Bp. Saunderson, in 4^o Lond. 1683. 2d Edition Numb. 31. pag. 70.) whether by Nature written in the Hearts of Men (Rom. 2. 14, 15.) or more fully deliver'd in God's own written Word, or by just Consequence deduc'd from the Grounds of either of them, the greatest Monarch upon Earth owe's as much Obedience, as the lowest and meanest of all his Subjects — p. 81. In Laws of this Nature, to the Precept itself, as coming from God, the King is bound to yield Obedience, as well as others, but from the Penalty annex'd thereunto, he is exempted — Part 2. pag. 149. But how are Subjects to carry themselves, when such things are enjoin'd, as cannot or ought not to be done? Surely not to accuse the Commander but humbly to avoy'd the Command — p. 151. he that consult's with Flesh and Blood will hardly be induc'd to admit this Doctrine of *Passive Obedience*; and therefore, if he will learn this Lesson, he must make Choice of better Masters, and listen in the first Place to the Advice of the holy Scripture-Constitution, viz. Job 6. 25. Exod. 5. 19. Prov. 3. 5. 1 Sam. 22. 17. Dan. 6. 10. 22. Math. 16. 24. & 5. 10, 11, 12. Philip. 2. 6, 8. Hebr. 12. 2, 3. James, 5. 10. &c. besides the respective Parliamentary Constitutions, &c. And the Clergy of England in Convocation assembled

in 1606. recorded and publish'd by J. Overall, then Prolocutor, and Dean of S. Paul's, and afterwards Bp. of Liechfield and Coventry, and lastly Bp. of Norwich, edition'd in 1690. declares unanimously, (cap. 18. Can. 18. p. 90, 30.) that the Priests, Levites, and Prophets submitted themselves to the Directions of their Kings, Princes and Judges, and were as rightly and properly Subjects to the Civil Governors as the Rest of the People — lib. 2. Can. 3. p. 132, 133, 136. If any Man therefore shall affirm — that our Saviour Christ, whilst he liv'd upon Earth, was not obedient to the State Ecclesiastical as he was to the Temporal -- or that Christian Kings have not now as full Authority to appoint some Festival Days — or that the Example of Christ and his Apostles in holding Society and Communion with the Jews in the outward Worship and Service of God, doth not condemn all such Sectaries as do separate themselves from the Churches of Christ, whereof they were once Members, the same being true Churches by lawful Authority establish'd -- doth greatly erre, &c. And Mr. Thorndike *ubi supra*, pag. 109. Apostolical Graces are subject to Order, &c.

For an other convincing Reason of the foresaid Grand Fundamentals of the Christian Oeconomy, *Augustinus Hipponensis* may be allow'd, who was taken for the Standard of Orthodoxy by the Western Churches for above a thousand Years, in his, *de Civitate Dei*, l. 18. c. 47. above cited, further say's: *Nec ipsos Judaeos existimo audere contendere, neminem pertinuisse ad Deum, prater Israelitas &c. vide sis, Lud. Vives Commentaria ibid. p. 444. edit. Geneva, 1622. & Idem August. in Epist. 57. quast. 1. sub fin. Et ideo multum mirabilis res est, quemadmodum non Cognoscentium Deum, sit Inhabitor Deum, & quorundam Cognoscentium non sit — quamvis & propter multos in omnibus Gentibus Populos fidelium, quos Aquarum nomine Apocalypsis significat, possit intelligi congruenter, Ps. 29. 10.*

ABp. Usher, the like Standard of Protestant Orthodoxy, observe's further; *ubi supra*, pag. 204. That the Primitive Christians deny'd all Pretensions to the Kingdoms of this World, their Expectation being for that of the spiritual and Angelical World to come. (See *Ense*

Feb. H. E. l. 3. c. 20. & in Chron. & Oros. lib. 7. c. 13. de Barchocho seu Barcozba Judaeo Rebelle, sollicitante Christianos ad secutiendum Jugum Romano-Imperatorum eosque renuentes necante & cruciante &c.) Yea the same (say's Usher, ibid. 145.) Word of God, which commandeth Wives and Children to be subject to their Husbands and Parents, in all things, omitted not elsewhere to add thereunto this necessary Limitation, In the Lord, in the Fear of God. Exod. 1. 17. Hebr. 11. 23. Math. 10. 28. Ephes. 5. 21. & 6. 1. Coloss. 3. 18. &c. Lastly, Mr. Thorndike (one of the other principal Standards of English Orthodoxy) conclude's, *ubi supra*, p. 37. that the Productions of Ecclesiastical Power, vested in the Apostles and their Successors, are ritual Traditions, changeable with Time and Place — p. 20. The Laws of the Primitive Church are the Standard of all Change — p. 32. as the present Law of the Church, is but the Corruption of the Primitive, no more is the present Christianity, but the Corruption of the Primitive, &c.

M. Now the first Set of Preliminaries of the Christian Oeconomy, being settl'd, pray proceed to your Definitions of the principle Terms now in hand; and first of the Word, Church, if you think fit.

D. The Word Church, in Greek, properly signifies any Meeting, Assembly, Congregation, or a Gathering together of People by some Superior Power, as may be seen in *Julius Pollux's Onomasticon*, lib. 8. and other Hea-then Writers, as well as in the Holy Scriptures, Deut. 23. 2. Jud. 20. 2. and Act. 19. 39. 'Tis twice indeed taken in a bad Part to signify a Society of the Wicked, Ps. 26. 5. and Act. 19. 32, 40. 'Tis twice also taken to import the Pastors and Governours of the Faithful, Math. 16. 18. and Math. 18. 17. as the Romanists interpret it: But the Oracle of English Orthodoxy Dr. H. Hammond, is willing to abandon such highflying Pretensions, provided it be allow'd him that the Clergy be not excluded the Benefit of those Acts of Gospel-Conventions, but be permitted to be comprehended with the rest of the Church-Members of the Laity: His Words be these in his Treatise of the Power of the Keys, c. 2. §. 12. Vol. I. p. 411. Tell it unto the Church — I shall give

you Leave to understand any Meeting or Congregation of pious Men, either a Colledge of Presbyters, or possibly the whole or any Part of the People conven'd, whose Authority or Consent may worke somewhat upon the Offender — the Apostles or Governours of the Church, the Pastors, (which cannot in any Reason be excluded from under the former Word, Church, whatsoever it signifies) &c. This is so reasonable, that it can't well be deny'd by any Person of Moderation, of what Principle soever he be within the Pale of Christianity. Hence I shall understand by a National Church, the Laity as well as the Clergy; which may be either Orthodox, as that of England in particular, and of Protestants in general; or Heterodox, as that of the Grecians and Orientals; or Cacodox, as that of the Heathens, modern Jews, Turks, and Papists.

M. 'Ere you conclude the prodromal Definitions, let's have an Interlude (for variety as well as Information-Sake) of another conclusive fundamental Axiom of radical Christian Oeconomy, as compatible with English Orthodoxy.

D. All Mankind in particular Individuals as well as in general Bodies, are indefeasably endow'd with an uncontrollable Power, and with an indispensable Obligation, to hearken to the inward Motions or cool Whisperings of their own Souls & Consciences, and to enquire, examine, trye, judge and chuse every one his own Religion for himself in Spirit and in Truth, that is, in conscientious Sincerity and Veracity without either Active or Passive Hypocrisy of a forcing or forced, & much less a fear'd Conscience, but not without a modest Diffidence no more than without a prudent Docility or Docility duely attending or ausculting to all publick and privat attainable Directions or Informations, of general, particular, occasional, Scriptural, and Providential Opportunities.

This is the Grand Charter of Lay-Orthodoxy, seal'd and deliver'd to Human Nature, with the Light of Reason by it's all-powerful Creator, who accept's of no other Worship from his rational Creatures, but what freely passe's thro' their Wills and Understandings by reasonable Persuasion and voluntary Conviction; yet not without indispensable Duty,
to

to observe the several Laws of the respective National Peace and Tranquillity, as well as the necessary *Terms* of Government-Union.

This leading Card of the Christian Laity, is not only good and true *Protestantism* in general, but also *Britannically Orthodox*, according to the Reformation-Weights and Measures of our *English* Sanctuary, as it is evidently attested by the highest and strictest Church-Man, that ever the *English* Reformation bore. viz. Mr. *Herb. Thorndike*, p. 20. of *Weights and Measures*; and therefore (say's that Learned as well as zealous *English* Clergyman) we ought to condescend to *Terms* of Agreement in such Matters as we have in Dispute with our Brethren the *Presbyterians*; but not such *Terms* as Faction and Prejudice imagineth, but such as the common Christianity and the Original Unity of God's Church determineth: For if we use that Rigour which we charge the Church of *Rome* with, we weigh not by our own Weights, nor mete by our own Measures — pag. 130. Why should not I believe, that a *Quaker* is really touch'd in Conscience, not to pay his Tithes, tho' in Obedience to the Laws of the Land, as well as a *Presbyterian*, that he ought not to receive the Communion kneeling? — pag. 256. Baptism that saveth, doth not consist in cleansing the Flesh, but in a due Profession of Christianity — pag. 169. for, upon this Ground all the Time of the Gospel is that *Sabbath*, which the *Jewish Sabbath* signify'd; and the Fulfilling of the 4th Commandment is the Rest of a Christian from all his own Works, all the Days of his Life — p. 51. yet is there no Appearance in Reason, that God will take them for Schismatics, that follow so fair a Profession in general, tho' it may not come to Effect in some Particular — pag. 199. leaving them to themselves and God, in all Matters of Difference — pag. 245. These Things suppos'd, no Man doubt's, that the Form of Service now in Force by the Law of this Land, may be acknowledged capable of Amendment, without Disparagement, either to the Wisdom of the Church, that prescrib'd, or of the Nation that enacted it. Doctor *Hammond*, Of Fundamentals, cap. 11. §. 4. The Nature of Man (as a natural and voluntary Agent) requiring

that all this be done by way of *Persuasion*, not of *Violence*, to preserve their Liberty, which alone could render them capable of Reward or Punishment, &c. Doctor *Moss* in his Sermon, Octob. 5. 1708. pag. 15. tho' our Church doe's allow a Judgment of Discretion, yet 'tis not such a Judgment as is perfectly arbitrary: And the Authority of Scripture and scriptural Truths can never be suppos'd to depend ultimately upon the good Liking of the Audience: who are permitted indeed (as it is fit they should) to prove all things, but are nevertheless oblig'd at their Peril to hold fast that which is good, &c. This fundamental Article of Lay-Orthodoxy is further extended to the Clergy by the Vicar of *Waltomstow*, in his Sermon of Clergy-Orthodoxy, pag. 23. where he declare's to all his Brethren, that they are still at Liberty to retire from the publick Liturgy, if any thing therein offend's them, &c. Sr. *Thom. Littleton*, in Sr. *Jo. Fenwick's* Attainder, Edit. Lond. 1698. pag. 230. It was not long ago, we were not to have our Religion upon our privat Opinion neither, and when I am satisfy'd in that, I will rely upon it — pag. 237. Mr. *John How*: 'Tis not the same thing with what my worthy Country-Man put in Matter of Religion: My privat Opinion do's not affect other Persons: If I mistake in that, I only suffer; tho' it be some Satisfaction, being the Rule appointed by God for us, to go by: But where privat Opinion may be a Pretence to exercise privat Malice, Revenge, Avarice, and Ambition to the Destruction of others, 'tis no way fit, Mankind should be mutually subjected to the One, who are so much inclin'd to the other. Law, therefore has been appointed for the common Safety, &c.

See *Jac. Fayii*, *Defensio Religionis contra Toland* in 8°, *Ultraj.* 1709. *Altare Damascenum, seu Ecclesia Anglicana Politia*, per David. Calderwood, in 4°, *Lugd. Batav.* 1708. *J. Seob. Fabricius*, *De Unitate Ecclesie Britannica*, in 8vo, *Oxon.* 1678. Discourse of the Religion in *England*, Lond. 1667. Representation of the State of Christianity in *England*, Lond. 1674. History of the Convocation, in 1689. and a Narrative of the Proceedings of the Clergy, in 1699. *Correspondence Fraternelle de l'Eglise Anglicane avec les Eglises Reformer.* 8. &c. D. *H. Maurice's* Vindication of the Primitive Church, &c.

By MYLES DAVIES, the Author of the *Athen. Britann.* in 4 Vol. at the Corner of Little Queen-street, Holbourne.

The Clergyman's Post.

O R,

The Ecclesiastical WEEKLY-JOURNAL.

M.



HAT still go on? notwithstanding almost the *Whole* Clergy continues still determinately *Inexorable*, not only as to your having an *Author's* Livelyhood, or your *Living* by your Writing Essay; but also as to your enjoying almost any *Living* at all, in Church; or State.

D. What they please, as to that, and the rest again. I know of, and care as little for, their *Inexorable* Determinations as to my *Living*s, (as many of them do themselves of their own true Interest) or of and for my *Writings*: But, pray, what do you mean by the *Whole Clergy*? As for my part, I shall take and mean nothing less by the word, *Whole*, than a *Body* altogether independent, in the same Sphere or Kind of *Causality* and *Activity*: Such as a *National Church* is a *Whole*, as being absolutely independent of any other *National Church*, though not of any other *National Body*, viz. the State, or Civil Government.

So, as to the word, *Orthodoxy*, I shall take it all along according to it's Greek Derivation, for, right Faith and Doctrine, and that of Christianity in particular: And also, *Orthodox* for him or them, that Profess the right Christian Faith and Doctrine. 'Tis true, neither of those terms is to be found, scarce in any Heathen or Christian Writer, before the first Christian Emperor, *Constantine* the Great's Time, about the beginning of the 4th Christian Century. There is indeed a small Treatise by Way of Answer to 146 Objections against the Christian Religion, to be seen amongst *Justin* the Martyr's Writings, with an Inscription, *ἡγὼς τὰς Ὁρθόδοξας*. Mention'd by *Photius*, *Codice*, 25. & 231, to all the *Orthodox*: But that Piece is censur'd of all Hands to be Spurious, for that very reason, amongst others; for it's using several Words and Names, not broach'd nor known in *Justin's* Time. However, 'tis certain, those that stuck to the first General Council of *Nice*,

were the first that were call'd *Orthodox*: As the *Arians* were the first that were nam'd *Heterodox*, for their dissenting from the said first General Council of *Nice*, importing that they were of another Sentiment from that of the right *Orthodox*. So likewise, the Heresy of the *Monothelists* had the first Name of *Cacodoxy*; signifying an evil Opinion, or bad Doctrine, or a wrong Faith, which was given them upon Record by the Latin Historian *Entropius* (*Lib. 22. Histor. Edit. Francof. 1588.*) which is much a harsher Term than that of *Heterodoxy*, whereby is only understood the opposite Doctrine of another Kind or Profession from that which is commonly taken for *Orthodox*; importing in its Genuine Construction civilly enough, any difference in Opinion, without inferring any advantage of either of the Opinions. Whence those terms seem to have been first invented or made use of, to distinguish the different Parties amongst Christians of the same Profession in general, though differing in some particular Points: So that they cannot properly serve to denominate Professions or Professors of a quite disparate or different Principles, such as Jews and Christians, or Turks and Pagans; but only to intimate the differing Members of some one of those Constitutions, especially that of Christianity; to whose dissenting Parties those terms were mostly apply'd, as well as those more Offensive, and Vulgar terms, of Heresy, Sect and Schism: whereof the two first among the Heathens were not look'd upon as very opprobrious, since their natural Signification only imply'd a Stiffness and Profession of a chosen Sett of some particular Opinions; wherein if there happen'd any other Subdivision, with an equal Stiffness of Sentiment, 'twas call'd, especially among Christians, a Schism. Breach or Rupture. As those terms carry with them an essential Relation of a Part to the *Whole*; so in their present Acceptation they are always taken in the worst Sense, though their Primitive Interpretation was universally

versally look'd upon, by Grammarians and Philosophers in particular, to be as a *Genus*, or Indifferent to the peculiar Kinds or Species of Good and Bad choice of Opinions. And as the word *Cacodoxy* can't possibly be taken in a good Sense, so the terms, *Orthodoxy* and *Church*, can't be well intended in any *disadvantageous* Signification, no more than imply the respect of a *Part* to the *Whole*; since in their Original Derivation they were always taken to include essentially the Notion of a Whole or greatest part, as well as of the Right, in respect of the foremention'd terms.

Wherefore, a National Church can't in good Grammar or Divinity, no more than in good Manners, and common Civility, be call'd Heretical, Sectary, or Schismatical; since those terms essentially imply the Notion or Idea of some separating Parts, in respect of some entire One or Whole National Church: For if any Man shall affirm that all the particular Churches in the World are otherwise to be term'd One Church, than as Christ himself is the Head of it; or that it was more reasonable or necessary to have One Bishop over all, than it was to have but one King over all, he doth greatly err; as it was defin'd in our great Convocation of 1606. *Can. 5.* Recorded by Bishop *Overal*, then Prolocutor of the Lower-House, *Lib. 2. Pag. 157, 158* of his Convocation-Book, printed in 1690. And amongst those that so greatly err'd, besides the Romanists, the late famous Mr. *Dodswell* had the Misfortune to incur that Synodical Censure, who in opposition to some late necessary State-Revolution-Principles, rais'd such a Revolution of Terms and Idea's, against the very first Principles of Reason and Religion, that he would needs have *Fractions* to pass for *Incegers*, Division for Unity, a *Part* to be greater than the *Whole*, and in short, that Six or Seven Nonjuring Bishops, with the like inconsiderable number of the Laity, were the only true Church of *England* Members and Constitutioners: Whilst Nineteen or Twenty of their other Brother Bishops, with the whole *English* Sanhedrim, and all the rest of the *British* Nation united respectively into One entire Body of Laws and Worship, must by all means, according to Mr. *Dodswell*, be esteem'd Schismaticks, and stigmatiz'd with all the sad Consequences, that the heinous Guilt of Schism can be attended or chargeable with. Whereas in reality had the *Whole* err'd, and those few Individuals of obstinate Mortality had hit the Mark, the National Body might indeed have been styl'd *Heterodox*; as teaching another Thing from what

it self had formerly Taught; or else it might have been call'd *Cacodox*, had it's Error been so great as to have greatly endanger'd, vitiated and infected the very *Vitals* and *Fundamentals*; as the Heathens have done to the Law of Nature, or the *Samaritans* to the Written Mosaic Law, or the Papists to the Christian Scriptural Law; or as the Turks have sapp'd the Foundations of all those three Orthodox Dispensations and Oeconomies; or rather as the total Subversion of those respective Constitutions seems to be in effect design'd by the said several Constitutionary Degeneracies and Corruptions; which consequently may be call'd flat Infidelity or Apostacy; whereby the whole true Faith is deny'd and renounc'd; as by Heresy one Single Part of it only is rejected, as is well observ'd by Dr. *H. Hammond* in *Paræn. c. 5. Sect. 1. n. 9. p. 64.* Though strictly speaking, Infidelity implies a Not knowing of the Truth, as well as an unwillingness to believe it. So, Apostacy in it's Greek Etymology signifies a bare Standing off, or falling from any thing that was once embrac'd. So the Nick-Names, Enthusiastick, Gnostick, Fanatick, and Canter; originally were so far from being Offensive or Reproachful, that they imply'd Honour and Eminency of Persons inspir'd within by God; as the Ancient Poets fancied themselves to be; and for that reason call'd themselves, Enthusiasts, Entheists or Deists, and as some Hereticks in the First and Second Centuries of Christianity, pretended to some extraordinary Knowledge from Above, more than others; and therefore assum'd to themselves the Title of Gnosticks or Adepts; such as the *German* Fraternity of *Rosacrucians* in the last Century pretended to be: But the Orthodox that oppos'd those Heresies, made it appear, that good Christians were the only true Gnosticks, as *Clement* of *Alexandria*, and *Irenæus* word it: And as some Heathen Priests pretended to be agitated with Divine Motions and Impulses from some powerful appearances of their Divinities, in some of their wild and impetuous Processions and Proceedings; who upon that Score were call'd Fanaticks; and as Singing and Praying were always esteem'd One and the same Harmony in the Christian as well as other Worships, so Canting was apply'd thereunto at sundry Times and divers Manners: Insomuch, that in our Step-mother *Saxon* Church and Language, the same Word that signify'd Singing, imply'd also Praying, as is well observ'd by that Ingenious Gentlewoman Mrs.

Mrs. *Elstob*, in her Remarks upon a Saxon Homily: Whence the Church of England ever since her Reformation, has preserv'd that Ecclesiastical Dignity in some of her Cathedrals; particularly in that of *Tork & Salisbury*, styl'd a *Chantor* (or *Precentor*, in foreign Churches) which is now occupy'd by the Famous old Dr. *Daniel Whitby*. For which reason, those that pretend to more than ordinary Gifts of Supernatural Prayer, were call'd *Cantors* or *Whyners*; as also for the same Self-Pretensions, the Self-same Persons were call'd the Saints, or the Elect. So that all those Names were Originally terms of an honourable, or at least an indifferent Signification, and apply'd in an Ironical Sense to vain pretenders to the Things thereby signify'd, according to their Primitive Etymology.

All Heresy indeed includes Schism, but not on the contrary, Schism does not include Heresy, properly speaking; though they are sometimes us'd the One for the Other; as Dr. *Hammond* (*ubi supra*, p. 62.) assures us; but with this difference, that Heresy is us'd even in Scripture sometimes in an indifferent Sense; as *Acts* 15. 5. and 28. 22. as well as generally in Heathen Authors; who never made use of the Word Schism in any Sense; but was first us'd in the New Testament, and always in an ill Sense, more or less, according to the several Degrees of breach of Charity, as to Neighbourly or Religious Communication or Society; as *Galat.* 5. 19, 20. and *1 Cor.* 11. 19. but since the Establishment of Christianity, the words Sect, Heresy, or Schism, were never apply'd to any whole National Church by any Orthodox Writer, within the first five or six Christian Centuries. 'Tis true, the Arian, Pelagian, Nestorian, and Eutychian Heresies were spread very wide over several Christian Nations for some time, among great Numbers of the Clergy; but scarce ever reach'd the Generality of the Laity, nor any National or Independent Constitution upon several Accounts. 1. Because their *Venim* consisted chiefly in Speculative Notions express'd in Ambiguous terms, as may be seen in the Remains of their respective Creeds, Explanations and Faith Apologies, confuted in the Ancient Christian Writings still Extant: 2. Because they never got to such a Head in any Country as to adventure to make any very considerable Alterations or Omissions in the more usual Creeds and Liturgies of any National Church. 3. Because most of their ill-grounded Pretensions were generally made up of Personal Differences and Animosities; as whether *Athanasius* or *Cyril* of *Alexandria*, or *Diodorus* of *Tarsum*,

or *Theodorus* of *Mopsuestium*, or *Eusebius*, or *Dioscorus*, or *Jacobus Syrus*, or *Theodoret*, or *Nestorius*, or *Eutyches*, were the most Orthodox or holy Prelates, with such like interested and presumptuous or uncharitable Formalities. 4. Because the Posterity of those Ancient Hereticks, still residing in the Oriental Churches, scarce retain any Material Notion or Tincture of the said Heresies of their Forefathers, as is evident by their several Confessions of Faith (of the Jacobites and Nestorians) Translated out of the Syriack Tongue by the Learned *Andreas Masius* in the last Century, still to be seen in the *Bibliotheca Veterum Patrum*, Tom. 4. p. 153. 1409, &c.

The Romish Church indeed ever since the 8th or 9th Centuries, upon several Politick Reasons her thereunto specially moving, thought fit to Nickname the Greek and Oriental Churches, by the Name of Schismatics, but not Hereticks; as on the contrary, to miscall the Protestant Churches by the Calumny of Hereticks, but not Schismatics, as it appears by the Authentick Style of the Church of *Rome*, publish'd every Year in the execrable *Bulla Cane*, and other such Anathematizing abominable Faculties of that Romish Church, which does not go Scot-free, without the like Compliment of suitable Retaliations from those abus'd Churches, which can find no reason why the Exorbitancy of the Romish Church should not condescend to be content to be admitted as a Member, tho' ever so much swell'd up, of the Catholick Church in general, as well as themselves; especially since the Oriental Churches without the least Debate, may claim an Apostolical Antecedency; and the Britannick Islands were near upon as early in their Conversion, and consequently may claim an equal Apostolical Antedate and Independency in all Christian freedom. So that, the infatuated *Nic. Saunders*, had as little reason to intitle his Book against the Protestant Reformation, under *Henry the Eighth*, and *Queen Elizabeth*, *De Schismate Anglicano*, even contrary to the common Style of his own Popish Schismatics, as the late famous Mr. *Dodwell* had to write a Second Part, with the same Insolency of a Schismatical Title, *De Nupero Schismate Anglicano*, against the Protestant Revolution and self-preservation under King *William* and *Queen Anne*, even contrary to all propriety of Speech, as well as good manners, which, it seems, were to be forever abdicated from the unnatural Schism of his Non-juring Non-Conformists.

It can't easily be guess'd at, what can be offer'd for the excuse of such Misnomers unless it be taken for an Essay of Conformity, with the bewildred Notions of the Sorcell'd and intoxicated *Turks*, who call the *Persians*, though of an Independant Establishment within the same Sphere of *Cacodoxy*, *Cassars*, that is, *Schismatics*; with as little grounds, as the present *Jewish* Generation have to brand the *Samaritans*, with the improper and too soft a charge of *Schism*. For the *Samaritans*, or Ten Tribes first separated by God's own Order, but soon after, by blending Hethenism with the Pentateuch of *Moses*, superstructed undeniable Idolatry upon the total Subversion of the Mosaick Constitution. Which is such an evident matter of Fact, demonstrable out of Scripture and the Jewish Writers, that 'tis amazing how the late ingenious Mr. *Hughes*, Curate of *Deptford*, in his Edition of that Eloquent and Florid Piece of St. *Chrysostom* concerning Priesthood, could persuade himself that the *Samaritans* were only *Schismatics* and no Idolaters. To the evidencing of the contrary, we need but look back upon the *Samaritans* in their several Revolutions: 1 *Kings* 14. 7, 8, 9. *Josephus* l. 11. c. ult. and 1 *Kings* 18. 21. and 2 *Kings* 10. 11. 28. *Josephus* l. 9. c. ult. and l. 13. c. 5. 6. *Antiquitat. Eccles. Oriental.* Edit. in 8vo *Lond.* 1681. *Schupart de Karaitis*, Edit. *Jen.* 1701. 2 *Maccab.* c. 6. Dr. *Hammond* in his Reply to the *Cath. Gent.* c. 7. Sect. 4. n. 6. As for any such Act (says he) of Lawfull Superiors in bringing in Turcism, or violating Fundamental Points, I should be not apt to style that Schism (any more than I would call Perjury, Lying, or Incest, simple Fornication) it being in the first part of the instance, Apostacy and total defection from which, I hope, is a little more than denying — and in the second, Heresie and the grossest sort of Schism together, that departing from the Unity of the Faith — *ibid.* c. 2. Sect. 2. n. 3. Schism being a voluntary Separation, the word in no propriety pertains to that Act of the Governour of the Church, whereby he separates or cuts off any, by way of Censure or Excommunication, which is Punishment of the Sin and not the Sin it self. *ibid.* Sect. 1. n. 4. &c. Mr. *Thorndike* expresses his Notion of Schism and Heresy, with some singularity of Thought, when he tells us that the opposers of the several Church-Traditions, be the only *Hereticks* and *Schismatics*: His Words be these in his *Weights and Measures*, p. 37. and 58. All inter-

pretation (says he) of Scripture to be confin'd within the Tradition of the Church at all times and places: The Productions of Ecclesiastical Power vested in the Apostles and their Successors, or *Ritual Traditions*, changable with time and place. Opposers of the *First*, are *Hereticks*, of the *Second*, are *Schismatics*. — Traditionary *Rites* are good, because commanded, &c. And the same Pious Standard of High Church Orthodoxy, in the same Book, pag. 192. declares with an exact impartiality, that *Schism*, as War, may be unjust on both sides. Which charitable Decision is further awarded by our excellent Dr. *H. Hammond* in his *Parænes* c. 4. §. 14. p. 97. The third, that of Schism, the Fathers, which aggravated the Sin of it, to the highest, do not yet allow it the force of *Unchurching*, but call them *Brethren*, i. e. Fellow Christians, which were most obstinately guilty of it. All which is exemplarily improv'd by the ingenious and Religious Mr. *Talents*, in his late pertinent History of Schism, as well as by another of our Church-Standards, viz. Dr. *H. Morrice*, in his profound Vindication of the Primitive Church and Diocesan Episcopacy, (in Answer to Mr. *Baxter's* Church-History) in 8vo. *Ox.* 1675. Wherein Sir *P. King*, or whoever is the Author of that Writ of Enquiry into the Faith and Discipline of the Three first Christian Centuries (drawn up for ones *Client*, in the Nature of a Partial Moot-Bar-Argument, full of *Non Constat's*, or *Quere co's*) might have seen all his mistakes or errors in that Argument, before he e're undertook to move in Arrest of the Law and Gospel-Judgment (given long ago and awarded by Heaven and Earth against our Dissenters) in behalf of those Schismatical *Clients* of his; and his *Non sum Informatus*, might also have been better inform'd by *Becmet's* Historical Abridgment of the Use of Forms of Prayer, Edit. *Cambridge*, 1708. *Tho. Gattaker Opera Critica*, 2 Vol. Fol. *Ultraject.* 1698. *Twisden's* Historical Vindication of the Church of England, *Lond.* 1657. *Sam. Gardiner, De Trinitate*, in 8vo. *Lond.* 1677. *Clem. Ellis, contra Faustum Socinum*, in 4to. *Lond.* 1693. *Gualelmi Forbesij Episcopi Edinburgensis Primi, Considerationes modestæ & pacificæ Controversiarum*, in 8. *Francos.* 1707. *Antonij Tuckney Prælectiones Theologicæ, & Exercitia pro Gradibus cape- sciendis*, in 4. *Lond.* 1703. Mr. Bayly, Minister of *Bristow*, of Inspiration, in 8. *Lond.* 1707. *Joannis Mason, Annus Solaris antiquus*, in 8. *Lond.* 1712. Mr. *Miller*, Commentary upon *Isaiah*, at *Cambride*, in 1711. *Roberti Grovij, Responsio ad Libellum quinscribitur, Celestina seu Clamor ad Theologos Hierarchiæ Anglicanæ*, in 4. *Lond.* 1679. *Mat.* 9. 16. *Mark* 2. 21. *John* 9. 16 & 10. 19. *Acts* 24. 14. & 1 *Cor.* 1. 10. & 12. 25.

The Clergyman's Post.

O R,

Ecclesiastical NEWS-PAPER;

Being Old Church News from Oxford and Cambridge Writers, and others.

M.



H A T is your Sentiment of Mr. Toland's *Nazarenus*, and of the several Pamphlets of *Whiston*, *Clark*, *Hare*, *B—r*, *Pierce*, *Pillioniere*, and

Deacon? Or rather, to avoid all useless Party-debates as well as Party-rage, what were the first Profelytes and Converts to *Christ's* Gospel and Church, originally Call'd, Taught and instructed, and how Converted, Associated, Assembled or Churchify'd, Communicated and Subordinated.

D. They were first call'd by *Christ* himself μαθηταὶ Disciples, as may be seen frequently in all the Four Gospels and elsewhere, as *Matth.* 16. 24. and 27. 57. *Mark* 14. 14. *Luke* 14. 26. *John* 13. 35. *Acts* 14. 22. &c. they were also call'd *Gallileans*, by some of the Persecuting *Jews*; *Luke* 22 59. and *Nazarens*, from *Mat.* 2. 23. *John* 19. 19. *Acts* 2. 22. and 3. 6. At last they were nam'd, by the general consent of all sides *Χριστιανοί*, Christians; *Acts* 11. 26 tho' for a great while after, they were denominated and miscall'd (by the scornfull and deriding Heathens;) *Jews*, *Exorcists*, and *Sarmentarians*: And in the Fourth Christian Century, the Apostate Emperor *Julian*, renewed the Name, *Gallileans*, for Christians and *Christ* himself, as the Ancient Historian *Theodoret* relates in his Ecclesiastical History; that when *Julian* had been mortally wounded in a Battle with the *Persians* by an unknown hand, he fill'd his hand with his own Blood, and throwing it up to the Skye, cry'd out,

you have overcome me, O *Gallilean*! Νενίκηκας Γαλιλαῖε—ὅπως ἐμβρόντητος ἦν. *Theodoret. Hist. Eccles. lib. 3. c. 25. fin. p. 146. Edit. Paris, 1673. Vales. Idem ibid. c. 21. p. 143.* Τὸς δὲ *Χριστιανὸς*, *Γαλιλαῖος* ὠνόμαζεν ἀπώμιον αὐτοῖς, ἐκ τῆς περσικῆς προσηγορίας προσάφειν ἡγούμενος. ἔδει δὲ σκοπῆσαι λόγοις ἐντεθραμμένον, ὡς ἦν κατὰ δόξαν λυμάνινεται προσηγορίας ἐναλλαγῇ But the malicious Persecuting *Jews* ever since retain'd the Name of the *Nazareans* for the Christians, as may be seen in the *Synagogue's* Annual Execration and Excommunication of the *Nazareans*, apud *Maimonidem*, *Buxtarph. Hieronym. in Esaiam*, &c. The reason of it was, those of the Cow-hearted and half Christian Profelytes, that stood in fear of Persecution from the *Jews* as well as the *Gentiles*, were for distinguishing themselves from the real Christians, who were most expos'd to those indefatigable implacable Enemies, and therefore assum'd to themselves the Name of the *Nazareans*, and pretended to make a comprehension of the Jewish Cerimonial rites with the Christian Constitution, owning *Christ* to be only a Great Prophet, or only an extraordinary Man, such as *Moses* and some others of the Patriarchs and Prophets were, but not really or originally God, and consequently not equal to *Jehovah* or the Supream God of their Forefathers the *Israelites*: Those fearfull *Nazarens* endeavour'd to please the rest of the *Jews* as much as possibly they could, and therefore liv'd as retired and inoffensively as the generality of the *Jews* could not well take any umbrage at all: Nay they seem'd to charm most of the more serious and wise part of the Jewish Hellenists,

Hellenists, as may be seen still in the advantageous description of their way of living drawn out to the life by that Philosophick Hellenistical Jew, *Philo*, in his Tract intitled, *De Vita contemplativa Therapeutarum sive Supplicum virtutibus*: Whom old *Jerome* compar'd to the Christian Monasticks of his time. These *Nazarens* were cognominated also, *Jesseans*, and *Symmachians*; they were divided likewise into the different Assemblies of the *Nicholits*, *Symonians*, *Ebionits*, *Gnosticks*, *Cerinthians*, *Menandrians*, *Saturianists*, and *Bassiliadianists*: whereof some went into a contrary extream, so as to imagine that *Christ* was so far from a real Man, that it was God that appeared only in a Transitory Human shape to the Eyes of Men. So the *Valentinians* much about the same time were for making a comprehension of the Christian Institution with the inextricable Labyrinth of the Allegories and Riddles or Hieroglyphicks of the *Egyptian* Philosophy, as is very well made out by our Learned Bishop *Hooper*, in a little Latin-Tract upon that Subject. In like manner, abundance of the Converts of the *Heathens*, that turn'd to Christianity from the *Greek* Gentiles, would fain have retain'd as many of their old Pagan Ceremonies and Notions, as they could any ways blend in with the Christian Constitution-Conformity. From such Arsenick mixtures of Religionary Idæas, in process of time were those Two outsiz'd Kilderkins or Fau Firkins or rather Tuns of the Popish Fœces and Mahometan dregs, coagulated and infatuated.

Of all those *Jewish* and *Heathen* Comprehension-Drugsters of Religion, there never was scarce one considerable Person of their Profession, nor of so much Learning, as to be able to Write intelligibly in any Language, what they meant or what they drive at, or what Set of Religion they would frame to themselves or others; but only by word of Mouth or rather hideous Signs and Noise, they would utter or mutter forth some strange secrets of wild confus'd Notions or Ideas. Their different Branches, mention'd by *Eusebius*, *Epiphanius*, *Theodoretus*, and *Au-*

gustinus in their respective Tracts of sects and Heresies, mount in all to about a Hundred, in the whole course of the first Five Hundred Years of Christianity; yet according to all the Historical Accounts and the most impartial Computations that can possibly be made of those Wild Rovers and Noisy Savages in Religion, most of them had scarce any Assemblings or Meetings at all (so few and inconsiderable they were) and not much unlike our Gypsies or some such Strolers, or Mugletonian Clubs at most; a few of them indeed gather'd together by the way of schooling or rather idling; such were the few different School-houses of the *Nazarens*, *Valentinians* and *Bardeſaneſians*, and of some others: But all of those foremention'd Primitive Sects and Factions, even including the profess'd *Arians*, with the rest of those Primitive Hereticks and Seditious Parties, I'll be bound to make it as certain as History can inform us, that they all put together, never were nor can any ways be esteem'd so considerable either for Learning, Writings, or even Numbers, or any thing else imaginable, either of Quantity, Quality or Spirituality, as the least considerable Branch of either the Popish or Protestant Dissenters, call'd *Baptists* and *Capucins*: For our Standard or proportion-Quotient, I'll take Mr. *Miffon's* Account (in his new Voyage to *Italy*, Edit. Lond. 1699. in 8vo.) of the Protestant *Baptists* at *Amsterdam* in the Year 1687. Octob. 20. viz. 4000. for doubtless there be twice as many in all *Holland*, and thrice as many in all *Germany* or the North, and four times as many in all *Great Brittainy*. The Popish Dissenters call'd *Capucins*, may be near upon as many all the World over; yet these Two Dissenting European Branches are scarce considerable at all, for any thing, in comparison of their Two Principal Professions. Therefore the foremention'd Primitive Comprehension-Sects and Factions were always undenyably very inconsiderable even taken altogether in that quadrifecular or quinquennial Decourse of Ages: Then what must be thought of one of their least Branches, especially the *Nazarens*? whereof there

there remains not one Memorial, but what is to their disadvantage, no more than of all the rest? 'tis true some of them respectively writ out with their own interliniations and interpolations some part of the Old and New Testament according as they were directed by their several hireling and self-interested Teachers; but not one of their different Meeting-places made use of the whole Scripture. They severally pretended indeed to have or rather forge some Party-Scriptural Manuscripts, which they intitled with their own *Διουτρεφῆται* by the different Names of the Gospel of St. Peter, *apud Euseb. E. H. l. 3. c. 3. 25.* and *l. 6. c. 12.* The Gospel of St. Andrew *apud Gelas. in Decret.* The Gospel of St. James, *apud Epiphan. Hæres. 30. n. 23.* wherein is mention'd also another Gospel, or rather Interpolation of St. John's *ibid.* Gospel of St. Philip, *Epiphan. Hæres. 26. n. 13.* Gospel of St. Bartholomew, *apud Hieronym in Prologom. Comment. in Matth.* The Gospel of St. Thomas *apud Euseb. E. H. lib. 3. c. 25.* The Gospel of St. Thaddæus, *apud Gelas. in Decret.* The Gospel of St. Matthias, *apud Euseb. ubi supr.* The Gospel of Judas Iscariot, *apud Epiphan. Hæres. 38.* and *Theodoret. lib. 1. De Heret. Fab. c. 15.* The Gospel of Eve, *apud Epiphan. Hæres. 26. n. 2.* The Gospel of the Twelve Apostles, *apud Ambros. in Proem. Comment. in Luke.* The Gospel of the Hebrews, *apud Epiphan. Hæres. 30. n. 13. 22.* The Gospel of the Egyptians, *apud Epiphan. Hæres. 62. n. 2.* Where also is mention'd the Gospel of Perfection. The Gospel of Barnabas, *apud Gelas. in Decret.* But all these were Gospels made and Forg'd out of their own different Paraphrases and Additional Intersections into or besides the true texts of the true Genuine Gospels, and out of their own several Interpretations or pretended Traditions of Secrecy, (as the Jews pretended to add to the Old Scripture-Text :) Which Mr. Toland is not ashamed to call a more compleat and full Declaration or Narrative of the vulgate Christian Gospels, or to that Effect. The Copy of St. Matthew's Gospel, made use of

by the *Ebionits* and *Nazarens*, wanted the Two First Chapters, and had some Traditional Memoirs added thereunto. See *Tertull. De Præscript. c. 30. Euseb. lib. 3. c. 25. Epiphan. Hæres. Nazaren. c. 9. & Hæres. Ebion. c. 13. &c.*

Ναζωραῖος is the Name of the Jewish Separatists call'd *Nazarits*, instituted by God himself, *Numb. 6. per tot.* and is derived from the Hebrew Word *נזיר Nazir*, to segregate or separate. *Ναζαρεῖος* is another Name of a Jewish Dissenting Puritan, call'd also *Nasabæus*, or a mortify'd Person; or rather *Natsaræus*, from the Hebrew *Natsar*, which the Greeks interpret *Nazar*, to keep &c. whence the word, *Ναταραῖος*, or *Ναζωραῖος*, or *Ναζωρενός*, is a Patronymick from the Town of *Nazareth* in *Gallilee* of the Gentiles: 'Tis derived from the Hebrew *נצר Netser*, which signifies a Flower or Bud; from the Florid pleasant Country thereabouts; or from Christ being born there, who is call'd the Flower or Root of the House of David, *Revelat. 5. 5.* Hence, says *Tertullian* in his Fourth Book against *Marcion*; *Nazarenus vicari habebat Secundum Prophetiam Christus Creatoris: unde & ipso nomine nos Judæi Nazarenos appellant per eum: nam & Sumus, de quibus Scriptum est, Nazaræi exalbat i sunt super nivem; qui scilicet retro lundati delinquentiæ maculis, & nigrati ignorantia tenebris. Christo autem appellatio Nazaræi competitura erat ex Infantia tenebris, in quas apud Nazareth descendit vitando Archelaum filium Herodis, &c.* Those *Nazarens* are said by *Epiphanius ubi Supr.* to have first separated themselves from the rest of the Christians, and to have reprofess'd Judaism (with the foresaid mixture of Christianity, when the Orthodox Christians were admonish'd by Heaven to subduce themselves from *Jerusalem's* impending Ruin,) who thence betook themselves to the Cities *Pella, Beroa, Decapolis*, and to the Country thereabouts, call'd *Bassanitis* or *Cocabe*, in *Syria*: There were some Societies of them in *Egypt* and in the conterminous Region call'd *Cyrene*, near the Lake *Maria* or *Tritonidis*. The great *Austin* tells us they both Baptiz'd and

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Circumcis'd ; and that there were some few of them in his Days. See *Austin lib. 1. contra Crescon. & lib. 19. contra Faust. c. 18. Qui ad nostra usq; tempora, ait, jam quidem in exigua, sed adhuc tamen vel in ipsâ paucitate perdurant. De Hæres. c. 9.*

Mr. Toland very discreetly abandons his beloved *Nazarens* as much as he seems to admire them, as to the extravagant mysterious Visions of theirs, concerning the Patriarch *Noa's* Wife, whom they call *Nouwa*, or *Ouna*, or *Pyrrha*, or *Esta*, or *Vesta*, who, as they pretend, often burnt her Husband's Ark, which made him so long before he finish'd it ; and who, forsooth, was the first that manifested the Heavenly Powers, call'd Angels, before unknown to Mankind ; with a great many more of such Talmudish Traditional Fables, according to *Epiphanius*, whose Two Volumes of Antiquated Sects and Factions seem to be the only Books the Learned Mr. Toland seems ever to have much read ; and from which he hopes to puzzle our Clergy : And from which Learned Ancient Father, he borrows only just as much as he thinks will raise up new Paradoxes, Mists and Mysteries (as much as he decrys them in others) but never takes the least Notice of the venerable *Epiphanius's* Confutation of them, But *Barnabie's* new old most perfect and compleat Gospel is all the cream of the Jest ; which he says Pope *Gelasius* Condemn'd as early as the Fifth Century, in his Decree against *Apocryphal* and *Spurious* Writings palm'd upon some of the Ancient Christian Doctors, Apostles and Evangelists : Therefore (says he again, by vertue of the same Modest Logick of his) the *Italic* Translation-Copy (belonging to Mr. *Cramarius*, Envoy of the King of *Prussia*, as I take it, in *Holland*, and since Printed, tho' seen by Mr. Toland in Manuscript) of that Gospel, is the same with that which was Condemn'd by Pope *Gelasius*, under the Spurious Name of *Barnabas* : Therefore it was Translated into *Spanish* ; and therefore it was again Translated into *Italian* ; and therefore, it is the Gospel that the *Mahometans* use, and therefore it is a more perfect and full Copy of the true Gospel of

Jesus Christ ; and therefore the present Gospel us'd by the true Christians is imperfect if not altered ; and therefore the present Canon of the Holy Scriptures should be brought in question and reform'd accordingly ; and therefore the *Arian* and *Socinian* Systems of Christianity are to be prefer'd as the most Rational, because the least Myste-rious : And lastly, therefore Mr. Toland should have a better Pension, and Mr. *W—n*, and Dr. *C—k* should have better Benefices for their *Arianism*, and another Mathematical Clerk must be advanc'd, or else he'll turn *Arian*. Such be the reasonable Conclusions in petto or view that Mr. Toland draws from his Learned Gleanings of *Epiphanius* and such like Caralogues of Apocryphals, tho' alledg'd by the Authors only to be Condemn'd ; but he makes nothing of that, provided he can but be tollerably turnish'd with some handles to take hold of, tho' ever so much Antiquated and Condemn'd, not only by Antiquity but more particularly by those venerable Authors from whence he rakes those stinck-Pots to suffocate the Clergy withall, till they recommend him to a Pension or Benefice : But that Mysterious Logicean should consider that the Clergy is very poor, having scarce enough to provide for their own Family, Port and Dignity, much less for Sisters, Brothers in Law or other branches of Nepotism, and still much less for the *Irish*, *Weish* and *Scottish* Profelytes from Presbytery, Popery or Socinianism and Arianism : For even poor *D. K.* has scarce enough to keep his Three Horses and Two Men ; tho' with much ado he made a shift to lend his *Ch. H.* a hundred Pound, for fear he should be like to lose his Mastership again. As for Learning they have enough to serve their own turn and have Money to go to Market for the more usefull Books, and write with wit enough to make the most advantageous use of them.

However Mr. Toland does very ill to draw such wild consequences in spight of all Reason and Faith, at the Expence of Religion. 'Tis true some Historians mention a Traditionary Story of St. *Matthew's* Gospel

Gospel being found in *Barnabas's* Tomb, and writ by him. ἡ ἐπιστολή, τὸ βιβλίον καὶ τὸ εὐαγγέλιον Μαθθαίου τὸ ἐπὶ γαλ-
ανὸν ἐν, καὶ ἐν οὐκείαις τῷ Βαρνάβᾳ γραφέν. *Nicephorus Calli-*
stus, Hist. Eccles. Tom. 2. p. 716 Edit. Paris, 1630. fol
That Manuscript and Printed *Italian* Gospel he talks
so much of, in all probability belong'd to *Lelius Socin-*
us, and brought with the rest of his Manuscripts by
his Son *Insautus*, into *Germany*, and there Sold or
Presented or Copy'd out again. 'Tis not unlikely
but that Patriarch of the Socinians, compos'd it him-
self for the most part out of his own Forging Head,
and partly out of a Mosarabick Copy of the Gospels
Paraphrased by some of the Moors in *Granada* in
Spain, who were then half Mahometans, whole Ari-
ans and quarter Christians. See Cardinal *Ximenes's*
Life, Edit. in *French*, at *Paris*, in 12. 1693. That
Lelius Socinus was thought to have been the best
Antiquary-Ink-maker that ever was in *Italy*. If Mr.
Toland means that the Mahometans believe and
follow the Gospel of Christ, as much as any Christ-
ians that are Socinians or Arians, he is much in the
right on't; but then his consequence is as wild and
wide as his bewildred Premises. In short Mr. *Toland*
seems to be willing to make Religion and the Cler-
gy his Stalking-Horse for Preferment, as some Clerks
and Politicians are said to have done with success.
So that the only Answer that is like to take with
him, is the *Healer*, which the Acute (as he calls
him in recompence) Mr. *Stephen Nye* gave him af-
ter he had bang'd his Amintor to some tune, if not
to some purpose: viz. pag. 109. To cut out Work
for the Clergy with whom he was so much displeas'd
he discharg'd upon them, whatsoever occur'd to his
Memory from first Antiquity, with intent to engage
them in laborious, difficult, and unwelcome Searches.
However it be, it appears he is a Person of great A-
bilities and Address in matters of this kind: And
it were to be wish'd Men of very distinguishing
Parts and sufficiency were not made Enemies to the
Church or to the Publick, either by being abus'd, or
because they are neglected. You shall not awe such
Persons by your Menaces or Severities, when such
mean Rogues as House-breakers and Highway-men
are not scar'd by Gibbets and Gallows. The only
effect to be expected from neglect or harshness
towards such, is that they go at length into the
interest of some disaffected Party, or erect a new
one: After which, whatever becomes of them, the
Publick and the Church are sure to be infinitely
more losers than it would have cost to gain and af-
fure them to the Publick. But *manum de tabulâ*;
for who made me a Counsellour to the Church or

the Publick? Thus spoke poor *Stephen Nye*, Sept. 29.
1690. and the rather and with the more feeling be-
cause it was his own as well as the case of other more
Learned, Ingenious and Serviceable Persons, than ma-
ny who eat their multiply'd Preferment-roast-meat
among the Cl—y, tho' they beat their Donors with
the Spit; calling their *Frank-almoigne*, their Free-
hold or *Frank Fee*, as School-boys call their Exer-
cises their own, tho' made and given them by ano-
ther, with a flaw in the deed: For which they often
deserved to lose their *Frank-Law-wager*: Yet such
Franke-almoigne-preferments may be said to be a
Franktenement or a Foreign kind of Fee simple or
simple Fee, but without *Franke Banke* or *Franke Chase*.

See the Learned *John Drujus* of the Calvinisti-
cal Religious order of Christ's Church, in his Book,
De tribus sectis Judæorum, Frank. 1605. in 8. Et
Spicilegium Tribaresii Nic. Serrarii Fr. 1605. in 8.
Et *Responsum ad Minervæ Serrarii*. Fr. 1606. in 8.
and *Joseph Scaliger* of the same Holy order in his
Elenchus Tribaresii Serrarii Franc. 1606. in 8. Et *Ni-*
cholai Serrarii, Rabbini Et *Herodes adversus Scaligerum*
Et *Drusum* in 8. Mog. 1607. Et *N. Serrarii Apologia pro*
Luthero Et *Diabolo Alogia*, in 8. Mog. 1605. and the
Erudite French Calvinist, Lambertus Danaus in his
Com. in Aug. de Hæres. edit. 1576. in 8. *Genevæ, &c.*
where Mr. *Toland* may learn and be convinced (as
much as an obstinate Scoffer can) that the Nazarens,
no more than any other of the half or whole Christ-
ians, never made use nor knew, nor heard of any other
real Gospels, but the true Ones, still extant, and those
perchance above mention'd: Whereof *Evesby* Gospel
and the *Gospel of Perfection*, written in Verse, were the
sole Mock-ones in use amongst the Nazarens, whose
Enthusiasts the late Anabaptists and the present
Baptists do still inherit; as the Zealous Protestant
Danaus will have it, *ubi Supr. fol. vers. 34. cap. 9. fin.*
Abbis enim Anabaptistarum in dæmonia videntur petiti.

However 'tis evident upon the whole, that *To-*
land's chief aim is more against the uncharitable
Monopoly of many of the Clergy, than for any Ge-
nuineness that he can find in *Barnabie's* pretended
Gospel, or in the Mahometan Alcoran's Conformi-
ty thereunto, or to the Christian Constitution in ge-
neral: For he has since own'd in Print, as I take it,
that he did not deny but the pretended *Barnabys*
Gospel was as much a Forgery as the Alcoran; and
some uncharitable Adversaries of his will have it,
that he further would have said, if he had durst,
that the Christian Gospels were as great Forge-
ries or Corruptions as either of the two. ἀλλ' ἀπέχεο.
Though it must be confess'd, that he has all along
in

in all his Writings (Christianity not Myfterious, *Amyntor*, *Milton's Life*, *Latin Notes upon Livy*, *Nazarenus*, &c.) insinuated strong *Innuendo's*, that our present Canon of the Holy Scriptures is imperfect, and that they themselves are defective or corrupted in several particulars, and that some other Ancient Books, now out of Esteem, should be taken into those Holy Writings as Supplements at least, to make up the Complement, and such like: Yet he does not declare openly for either Atheism, Deism, Arianism, or Socinianism, but stands apart with his independent Forces, ready to joyn or fall upon either the Orthodox or Heterodox Powers, as he shall think fit or most for his Interest; just as the Lord *Stanley* hover'd aside and wide of *Richard the 3d.* and *Henry the 7th's* Armies. To this *Tolandian* List of Scepticks and Adiaphorists, some would joyn *Calamy* and *Pierce*, to whom the Arian Pamphlet against the Kirk Minister *Patrick Russel*, lately published, boldly and avowedly Appeals, as if Arianism had been agreed upon by the Majority of the Dissenting Ministers, as well as of the Mitres and Church, according to *W. W.* God forbid that the Majority of either should be for Arianism; for in the Case of *W. W.* *Clark* and *Hare*, 'tis plain the Convocation carry'd it for the Athanasian Orthodoxy, at least by the same Majority as the late Assembly of some Country-Dissenting Ministers did at *Exeter*, viz, by 24 to 16, which small Majority may well make the *Laurel* sit uneasy upon the heads of the Orthodox: For 'tis certain many of our Mitres seem to look upon the Ante-Nicen Antiquity and Christianity to be so doubtful as to be either Anti-Nicen, or of the Athanasio-Orthodoxy; and our late Convocation in the Case of *Clark*, seems to cast the Encouragement of the Arian Heterodoxy, upon their higher Convocating House: Or at least of those Higher Reverend Heads, with a great many of the Lower, being pretty easy as to the Beneficial present and future Temporalities, look upon the Arian Sentiments to be at the worst but doubtfull Opinions and as uncertain as the opposite Orthodoxy: *Calamy* indeed in *Salter's-Hall* not long ago after a great many Adiaphorous and Sceptick Argumentations *pro* and *con*, at least at last concluded; that he was for his part convinced inwardly of the Meliority of the Account current of the Athanasian Orthodoxy: But since, he is turn'd outwardly Neuter, and inwardly nothing.

But *Emlyn* and *Will* in the *Whisp*, with *Chub* the *Glover* of *Salisbury*, are no such Nicodemus's, peeping on twilight and nibbling about the Edges; and even

Hare and *Clark* advance courageously in the Arian Cause as far as their *Cura animarum* or rather *temporalium*, will ever stretch to. And these will have it, that the Anonymous dastardly Well-wishers to Arianism, had they but studiousness enough to find it out, or Honesty enough to shew it, they would be by far the greater Majority above the Athanasian Orthodox. Thus the Arians mostly wore a sort of a Mask from their very beginning, and only pretended to raise Scruples in others, without any Stability of any certain Principles, whereby the Church might be Edify'd and Meliorated in her Faith or Discipline or manners, but were always content to disturb the Faithful with some old Scruples (new-vamp'd and modeliz'd) of the Original opposers of Christianity, set first on foot by the obstinate Jews and Stubborn Gentiles with the Sceptick part of the first half Christians which properly were rather a kind of Seekers. For which reason, the Arians ever made rather a Party of Hereticks and Schismatics in the Church than any distinct separation out of the Church, under any Head or set Forms of Catechism, Liturgy, Creed, or Prayer: For, the middling Commonality of Christians, could never be brought to understand that precarious Arianizing Notion of our Saviour's having a Created Divinity, or being appointed only our God and Lord, which being once admitted according to the Arians, his precarious Divinity and Notional Godhead and appointed Lordship would soon vanish away into something worse than Socinianism or Turcicism, that is, into flat Heathenism or Atheism; and therefore Arianism could never go down with any Multitude of Christians, tho' ever so corrupt, by reason of its visible prophane tendencies as well as of its wickedly Mysterious unintelligibleness. So that, 'tis no great wonder, that *Whiston* and *Emlyn* are forced to testify the Common Churches with their presence, because they could never raise any distinct Meeting or Congregation of any kind, for their own Arian or Socinian or Mungrel-Principles of the precarious and Arbitrary degrees of the Divinity of God, our Redeemer and Sanctifier, to be distinguished and dignified into a greater God, and an Interior or Created God or Lord by appointment, and into a Third Subcreated or a still lesser Spirit, yet of great Quality, as being of the Second highest Lineage of Created Gods and Lords by appointment or Patent: For the generality of Christians could never be brought to admit or apprehend any such distinctions of Active or Passive Creation or Creating one another in the Godhead,

or to quadrate and square their Worship to any such Superior and Inferior Divinities; which they all along look'd upon to be flat Idolatry, according to the Original Notions and Primitive Ideas of the Heathen Gods, and Plurality of the Genealogies of the Deities of the Gentiles; which at best were but dangerously corrupted figures and grossly prophane Traditionary Shades and Echoes of the Originally Human Conception of the *Riches* and *Mysteries* of the One true Godhead relatively, Hypostatically and Personally, or Per-se-ical-existentially Trinify'd and identify'd, or consubstantially self-communicated relatively: Which though the Corruption and Darknes of Human Nature had *Polytheiz'd* into gross Shapes and Notions of *Flesh* and *Blood*, yet when assum'd, and purified by God our Saviour, the Primitive Conceptions of Divine Mysteries were so far rectified and Spiritualiz'd in the Commonality of Christians, that they always kept clear from conceiving almost any Idea of that Original Venim of the Arianizing Primitive Serpent, though many of their Teachers were very often Arianizers by inclination. All this is Divinely express'd by our excellent Arch-bishop *Usher*, in a Sermon Preach'd before his Majesty K. *James I.* June 20. 1624. at *Wansted*, to be seen in my Vol. 2. *Arch. Brit.* p. 229. The forementioned poor Arian and Socinian Tools *Emlyn* and *Whiston*, with their unbelieving Abettors, *Clark* and *Hare*, seem of late to put a particular stress upon some little differences of some small Words or of the placing of them in the Old Doxologies and the present Versicle of giving Praise and Glory to *God the Father, Son and Holy Ghost*, &c. Whereas the Primitive Christians used promiscuously *that*, or, *through the Son and in the Holy Ghost*, or *Glory be to the Father, in the Son and Holy Ghost*, &c. But what's this to the purpose of Arianism? those small *Particle*-differences prove no manner of Superiority of the Father's Godhead above the same in the Son and Holy Ghost, but rather evinces the quite contrary by such indefinite and circular Communications of *Idioms*; whereof none can be applied to any Created Being, much less to a *Subaltern* Divinity, which is an implicancy in Terms, and absolutely against all the Conceptions and apprehensions of Sense and Reason and consequently is *nothing* but a meer Chimera or Idol of the Arian Caprice: Or else, Heathenism, a little refin'd, may revive again, and the Allegorical Genealogies of the Gods spun up again, and all the thence flowing impieties and absurdities subsist again in their full force and vigour

as well as the hodiernal Hyperdoulatrical and plain doulatrical Idolatry of the Church of *Rome*, in imitation of the several Arian degrees of Adoration, according to the Worship of the *Dij majores & minores Gentium*. Besides, 'tis not any ways intelligible, nor consistent with our common Christianity, how a Created Being, tho' ever so excellent, shou'd be able to help God to Create the great World, or Redeem the little Corrupted World, Man, and much less to be able to satisfy an Increated Being, for the Sins of his Fellow Creatures, though ever so inferior to him in the same method of being Created; and still less intelligible, how God could communicate to any Creature, though ever so sublime his essential attributes of *God* and *Lord*, and especially to be worship'd as such by other Creatures. All which precarious and inconsistent Schemes of Arian Mysteries of Iniquity, directly overthrow the great Mystery of Christian Godliness in believing and worshipping and serving the Unity of the Divine Nature, as actually and infinitely and Essentially communicated to and in the Trinity of Persons, constituting the Divine Essence and subsistence by and with really terminating incommunicable Relations, which in themselves abstract, like Mathematical lines or Tangents, or Angles, from any Notion of Perfection, or of any other particular degree or addition; since all Relations, as such, prescind in their own Idea, from a real or suppos'd Entity; yet according to its reality, the Relation implies a finit or infinit Perfection, and if the latter, 'tis the same Perfection as the Infinit Essence, which is Terminated thereby to be, *personally* incommunicably Trine; because the Nature of an *Intelligent being*, has Two ways of communicating it self inwardly, according to its finit or infinit substantiality, *viz.* a commensurable Understanding or Knowledge, and the like conspiracy of the Will or Love. So that the Divine Essence is so communicated, as to be in it self with a *Relation* incommunicable, whereby the Divine Essential Subsistence is terminated and as it were modify'd, rendering the Essence relative and the Relations together Incommunicable or originatively Trine-Subsisting personally. That Origination essentially includes the Divine essence as well as the relative Incommunicability of the Persons by an inexplicable *Perichorysis* or Circumcession; though the Divine Relations are not essentially included in the Divine Essence, but only personally or Originatively, abstracting in their formal Idea, from Substance

or Accidents; and consequently those personal Relations are in the Godhead consubstantial, as they would be in all Created Beings but Accidentals. Yet the total or whole Essence of the Godhead is indeed communicated to each Divine Person, but not totally or wholly after the same relative manner, which being incommunicable, determines the Distinctness of each Person, with the Sameness of the consubstantial Essence in all the Three Persons. We must lastly observe, that the word, God, though it be *Singular*, yet since it concludes essentially a Communicability, 'tis to be taken also as *Supponing* Plurally or Universally; and consequently in a Syllogism upon this Sacred Subject, it must be distributed fully in the premises: Though the Orthodox System does not pretend to explain this Sacred Mystery Philosophically, yet it never fails of answering all the Objections of Arianizing Sophists, or Sophistical Arianizers; all whose difficulties and Arguments are easily dissolv'd by the Orthodox, who allow but one, and that, increased Personality in Christ, against the Nestorians, and Two distinct Natures, as that of God and Man, against the Eutychians: Whereby the Arians grand Objection from *Proverbs* 8. 22. *Job* 14. 28. *Acts* 2. 36. and 10. 42. *Coloss.* 1. 19. and 2. 9. is easily answered, by reminding where his Human and where his Divine Nature and where both together, is spoken of, according to the plain obvious words and Sense, or context.

As the great Historical Statesman *Philip de Comines* observ'd long ago, that what the *English* gain'd of the *French* in the Field, they generally and generously or covetously lost it in the Cabinet, restoring to the vanquish'd Enemy their Towns and Swords, (as *Torishly* of late) putting them in *statu quo*, to Fight us again. So our Church-Polemicks, in imitation of the *State Torism*, have of late been generously as well as humbly contented to take up with the same periculous conduct in respect of our flagrant Fundamental Enemies the *Arians*. Thus our learned Bishop *Bull*, after he had subdued the *Arians*, and seen them at his feet discretionarily, ready to give up the Ghost as well as to quit the Field, he generously, *English* Tory-like, surrenders up to them, all again, in a manner, and even makes them up a New *Fortress* at the expence, as well as in the bowels, of *Orthodoxy*, with his unaccountable and needless Notions of his useless and heterodox Term, of *Subordination*. Thus the Vicar of *Waltamstow* had no sooner got the better in Argument as well as in Subject and

Case, over Two daughty Enemies of the Church of *England*, as by Law Establish'd, viz. *Dodwell* and *Whiston*, but presently surrender'd himself and *Orthodoxy* at once, *Englishman* like, at discretion to his and the Churches said expiring Adversaries, by virtue of another Heterodox innovation of imaginary *Dispensations* for Christians to admit of *Arianism* and commit *Sadducism*, especially if his *Superiors* should think it proper and seasonable. See *Athen. Britan.* Vol. I. p. 127. to 140. Thus *Whiston* and *Clark* after they had pretty well perswaded the World, by their *Boilean* Lectures, that they seem'd to believe there was a God, at least as much as the Jews and the Mahometans or Deists and Arians and Socinians commonly pretend to do, they must needs turn bare-fac'd Confident denyers of the real Divinity of the Lord God that made them. Thus *Hare*, after he had run with the Hound (to the conquest of Money abroad, and of a good D—nry at home) nothing would serve his turn, but at last to hold in disguise with the Sectary-*Hare* of Arianism and Satyrism against the Clergy in general, without any exception, or even common Modesty. Thus *B—r*, after he had writ against the Dissenters, and again for them, and undergone the Lay-drudgery of and for Crown-limitations and State-coercions quite out of his own Sphere, and had obtain'd from our good Prince to sit in the Upper House, yet he must needs, after all those necessary turn-advantages, write for the further humiliations of that Church, whose Bread he and his whole Family liv'd upon for many Years very plentifully. Thus his *French* Ex-Jesuited Chaplain and Præceptor, could not be contented to live under the Protection of the Church of *England*, but must needs be engaged to defend his Patron's Paradoxes; though he might have been a Sub-Dean perchance, had he been as ignorant or as silent as his Brother Ex-Jesuited Quirister *As—l*, who had the luck also to take up with a Royal-garreteer halting Pensioner of three Reigns, who probably with her *Irish* assurance was more his *rise* than his Singing or Fawning, with all his Jesuitical craft. Thus the young Child *Tom Deacon* and his Father-in-law *Collier*, after they had been pity'd and commiserated for sticking to their pretended nicety of Conscience in *Nonjuring*, they must needs widen their unaccountable State Schisms, by not only impeaching their Mother-Church (which now they betray with a kiss, and make a Stalking-horse of, for Pride and Ambition) of Perjury, but also charge her with Heterodox Discipline in not restoring the Po-pish

pish Ceremonies of mixing Water with the Wine in the Sacramental Cup, and of praying for the Dead, and what not, to the restoring of Popery, which they pretend to be zealously against in the main: By which they would build with one hand and pull down with another, and so make a game, as well as a gainfull livelihood, of Religion, by the daily Innovations and inventions of new Problems to box and buffet Religion about, in Pamphlet-Print and Coffe-houses, where the young Priest Deacon is sent upon Daily Errands for to keep up the Dissention and Scepticism of Religion, under the pretence of being more purely Zealous than ordinary for the Church; into which, in the mean time, they make an irretrievable inroad for all Sects and Factions; especially by their setting up to make Priests and Deacons, and even Bishops as well as the Bishops: And accordingly that Deacon was made Priest by Hicks or Collier, though his Mother perhaps might have done the feat as well: Yet for all these Non-jurors playing the Fool and bo-peep with Church and State, most of the Clergy seem wonderfully fond of them; though they manifestly, daily, and more dangerously undermine the Church, than all the Papists and Dissenters besides, let High-flyers think as favourably as they please of that handfull of restless Men and an inconsiderable (to any ones first thinking) Party of Non-jurors; at whose self-inconsistent and bifronted Doors, the real Danger, if not worse, of Church and State, unless they be narrowly inspected into, even by High Church it self, must be lay'd.

However, thus in fine, even the ingenious and Learned Mr. Mangey had no sooner exorcis'd and laid the Devil of Infidelity in and out of Nazarene, and chain'd them both down, but presently he seem'd to have a mind to dally or play with that evil Spirit, and so let him loose again and pretended to box with him over again for his Ears, even with one Hand, granting him (very fatally) out of a meer bravado, p. 85. Nazaren. and p. 100. and 103.) that our present Canon of the New Testament is corrupted, at least in Acts 15. 29. both as to additions and omissions; which is all that any of the Deists, Arians or Socinians need to prove or pretend to: For if one Text of Scripture be falsify'd, 'tis likely to endanger the whole, or at least any particular Text, that any Sectary shall think fit, unless Mr. Mangey can shew any particular Commission from above, for him alone to use his Censorious *wan* only and no body else, in pointing out where any thing has been added or where omitted, as he has done to that Text, without any man-

ner of necessity: For whether the Apostles had any regard to the gradual repealing of the Jewish Ceremonial and Judicial Law, by some other extemporare by-Laws for Occasional Conformity in a measure or for a Season, or that the regard was had only to the Gentiles, the common Cause would suffer nothing by either of the Alternatives; and consequently Nazarene with his *familiar* must have remained still in their Chains, had he not slacken'd them by that too liberal and too dangerous a concession, which grew near to have entangled himself in the same fetters with that Patron of Scepticism and Advocate of Infidelity: Here may very well be applied great *Austin's* Oracle, in *Epist. ad Hieronym.* 1. and *inter Hyeronimianas, Epist.* 86. *mibi pag. 1089. Admisso enim semel in tantum auctoritatis fastigium officioso aliquo Mendacio (additionis vel omissionis) nulla illorum librorum particula remanebit, quæ non ut cuiq; videbitur, vel ad mores difficilis, vel ad fidem incredibilis, eadem perniciosissima regulâ ad Mentientis auctoris, consilium officiumq; referatur.* Besides, the Reverend Mr. Mangey makes no pretensions to any Manuscripts (as Dr. Mills often too rashly did) for his dangerous and useless rash Judgements, but wholl' relies upon his own sole perilous Positions and temerarious conjectures, purely and only for to shew he can upon occasion be as bold and as attempting as the Infidel Nazarene or as the prophane Astrological Arian, provided the Benefice-constitution be not in danger to be Popishly resum'd or Calvinistically reform'd: However, he should have rather stuck close to his admission (from p. 36. to 43. of his Remarks) of *literal Variations* or *various Readings*, or even of the *howsoever perverting of one passage*, but by no means ought he to have put himself in danger of delivering up his own Victory at once to his vanquish'd Adversary, lest the Common cause should suffer, and he himself incur the Penalty of *Rev. 22. 18, 19.*

Not much unlike these infatuated fatalities, and almost Epidemically incident to many of our Orthodox Champions, especially of late, be the wretched Politicks of Two Dissenting Preachers at Exeter, viz. Pierce and Withers, who for several Years last past seem'd to have got some credit to and by their own Party, by their frequent inditing smart and notable little Pamphlets, whereby the National Orthodox were not displeas'd to see some likelihood of a little breading, mix'd with a *Modicum*, or not only Tollerated but also Tollerable Religious Scholarship in their own Mother-Tongue, prettily

tily enough; yet after all this tollerable advantage unually got to themselves and Party, nothing would serve their turn but to run a gadding after new Gods, or rather half-Gods and Semi-Deities and Lords by Patent or Appointment, and to gage their Idolatrous Arian Mock-worship of Christ and the Holy Ghost, according to the several degrees of their respective *proper* Divinities, under pretence that they were not willing to Subscribe any Forms or Articles of Faith, Creed, Symbols and Worship; but that every one should believe and think or worship, as well as Meet and Assemble or Congregate outwardly as they please, according to a new ominous Scheme of Free-thinking or *Quod-libet-Opining*; lately set on foot, by a lame-minded Superintendant and play-footed Ex-Jesuated Chaplain (who was as great a Stranger to *Bangor*, and to him as utterly unknown and Forreign as the Jesuit *Harduin* or his learned Books to either) with some more of the same Conspirators and Conjurators against the Supremacy of our National Orthodoxy, who are a kind of the Fifth-Monarchy-Men, for the indulging a Clan of Free thinking or No-thinking *Worship*, with a meer Babel of Religions, wherein no body is to pry, spy or inquire any thing, and consequently they do not know and much less understand any thing of one another's Faith and Belief, for fear of being taken for Creed-makers, Inquisitors or Persecutors. However, *Withers*, as he has most of the Scholar of those Two, so he had so much more honesty and Religion, as to relent and abandon his dangerous Arianizing undertaking, and was content at last to follow Christ's *real proper* Divinity or *properly* real Godhead, not so much for any great belief he had in Christ's Supream equality with God the Father and Holy Ghost, whereby he worked his *Gospel-miracles*, but for the *Loaves* which Christ's Supream Divine Providence, by and through the means of the honest part of his Dissenters and Ministerial Fraternity would have depriv'd him of, with his *Flock* and *Fleece*. Though his stiff-rump'd Brother Arianizer *Pierce* had resolved it seems to wade over *boats* as well as over shoes and even up to the top of his Sectarian Brains, in the durt and mire of the Arian Filth and Bangorian Latitudinarianism, to that degree of Sectarian inveteracy and Arian obstinacy (the better to execute the Sceptick Conspiracy for to stab and wound the *Church Establish'd*, through the sides of the over zealous High Flyers, who seem too much upon the imitation of 41. in revolting and Persecuting) that truly the *Independant James Pierce Esq*, denies stiff-

ly to Subscribe that *Three and Two makes Five*, and consequently that *there is a God at all*, or that the *Holy Scriptures of the Old and New Testament were given by Divine Revelation*: For, generally speaking, those that are not for obliging themselves nor others to acknowledge their firm Faith and Belief in the ever Blessed Trinity, do in like manner stand against the Obligation to acknowledge Scripture; and 'tis to be fear'd, would be as much against the t'other; which (to own or deny a God) seems too much to be the Natural or Moral Sequel of the Two last Propositions, of owning or denying the Trinity and Scripture. To the Shame or rather Reformation of the Whigs be it said, there's scarce Four in Ten truly Nationally Orthodox, even as to Fundamentals, (as those Three last Propositions must for shame be taken to be so) especially if we may rely upon the Pamphlet stil'd *An Exact and Correct List*: For there can be no doubt but the Whigs be compleatly represented Nationally there; where to the astonishing Humiliation of the National Orthodox, there were but 36 Whigs for those Two last Propositions, and 193 against them, whereof there were Three *Welsh* Representatives against them, and Four *Scotch* only for them, with Eleven *Welsh* and about 146 *English*: The *absent* were about a 100; whereof one moiety may be taken for Neuters or Indolents: Whom the Dissenting Preacher Mr. *Calamy*, out of Doors, and out of the Doors, imitated for fear of losing the *Fleece* with his mean stray'd *Flock*, as the said *Pierce* did; with whom, one may say without any rash Judgment, he perfectly Sympathiz'd, as to the Arianizing Suspicions or Scruples, or rather Blasphemy and Prophaneness: Though to give those uneducated and unscholarlike Preachers their due, they scarce ever think of, and much less Meditate upon, that Sacred Mystery of the Blessed Trinity; yet they will now and then out of Old *Charnock* talk a little about the Holy Mystery (as great and as difficult as the t'other be sure) of the *Incarnation of the Son of God*, and of the Divine Attributes, which being *Infinite* and *Eternal*, Human understanding can as little frame an Idea of, as of the Sacred Trinity and Incarnation; which the Dissenting Ministers should think of more and Meditate or study upon, out of Scripture and Dr. *Owen* and Mr. *Charnock*, with the *Assembly's Catechism* and Annotations on the Bible, and read less of Plays or *Alamode* Pamphlets for finicle or ficle vernacular Language and unsound Words-fake, before they pretend Tenderness of Conscience in not Learning nor Subscribing their own

own Catechism, which they had confess'd and acknowledged so often, and even Subscrib'd to; at their dubbing one another, and at their admittance to partake of the National Indulgence and Toleration. For (*Galat. 2. 18.*) if I build again the things which I destroy'd, I make my self a Transgressor.—3. 1. O foolish Dissenters, who hath bewitch'd you, that you should not obey the Truth.—3. Are ye so foolish? having begun in the Spirit, are now made perfect by the Flesh.—4. Am I therefore become your Enemy, because I tell you the Truth? They (the Deists and Lay-Advisers) zealously affect you but not well; yea they would exclude you, that you might affect them. But it is (*ibid. 18.*) good to be zealously affected always in a good thing, &c. This matter (says the Reverend Mr. Mangey, in his accurate Sermon of some plain Proofs of the Divinity of Christ, p. 33) is of so great importance, that coolness in it, is Criminal, and indifferency, defection. And the same religious Mr. Mangey gives a very weighty *Caveat* in his excellent Remarks upon *Nazarenus*, p. 48. with a seasonable admonition to make an early stand against the Growth of Arian and Socinian Notions, lest God may deservedly remove his Candlestick out of this Nation and give us up, as he did the half Christians of the 7th. Century, to Arianism, and so of course to Turkish Mahometism, or to some such delusion. As this Learned National Divine has read excellent Lessons in this perilous Crisis to our Church-Ministers, so the ingenious Mr. Bradbury bore as seasonable Testimonies to the Dissenting Preachers, in his Orthodox *Letter of Advice* to an unbelieving Layman, who seem'd very zealous for the Dissenters to have no belief at all of the Sacred Trinity, or else to keep it to themselves, or else not to care a rush for it. My Proposal (says that sound Christian Mr. Bradbury, in the said Letter, p. 30.) was this, that as these things give us a sad presage of the Divine Judgments, so we ought to set apart some Times and Places for Prayer and Humiliation.—So little have any Attempts in that Assembly succeeded either for Repentance towards God, or Faith in our Lord Jesus Christ.—From this grave Synod were Advices to go to Exeter. These were the Men, who thought it a breach of Christian Liberty to Subscribe the Assembly's Catechism (though they had done it themselves before, to be qualified to get Money occasionally, pag. 36 *ibid.*)—p. 34. I have known for some time, that there are Anti-Trinitarian Cabals, who sit upon the reputation of all those that Preach up the Deity of our Glorious Saviour; as

if they were the grand Committee for Characters. Some are branded by 'em for Sabellians, some Tritheists, some Systematical, and I pass among 'em for an Enthusiast. Thus can Patrons of Moderation, Forbearance, Temper, Freethinking and Charity, turn themselves into a Club of Godfathers for all Mankind.—p. 35. Nor is it any reproach upon 'em to say, that the Deity of Christ is dearer to them than the Throne of King George.—So poor a matter is it to run every danger for King George, unless with the rights of the Pretender we will also abjure the Deity of a Redeemer.—p. 33. The thoughts of losing by this Cause are the Joy of my Soul I have born a Testimony to the Glory of a Redeemer in the Liberties of his People, but I am now call'd to defend the Dignity of his Person. Whiggism, the Principles of Dissenters, the Rights of my Country, the Privileges of Human Nature, I can say are dear to me, but these are little to the Divinity of a Saviour. Thus far the steadfast Mr. Bradbury, whose sound Christianity in this Fundamental, I dare venture to say, is of too Seraphick a strain for most of the Dissenters to conform to, and I wish it were not too sublime Divinity for most also of our Church-rulers, both great and small, to edify by or come up to in practice, however it may fare with some of their Theory. I am sure in my Sentiment, 'tis such a sample of sound Christian Gospel, that under whatever prejudice of some unguarded Expressions, often aggravated, or under whatever Scandal of some juvenile Facts and Frothy Jest or Gestures, and those as often perverted, he may have hitherto layn under, he may be fully acquitted (as I doubt not but he is, in Heaven) by all Good Christians that Love our common Lord and the Day of his coming, and may deservedly now be thanked and Congratulated by all the sound Christian Orthodox in the World, for making so Glorious a stand against restless and Prophane Arian Atheism, which seems now to have made a lodgment in most of our high Places, as it did in Constantine the Great's Reign; but it would soon be oblig'd to change its Lodging, were all the Dissenting and Church-Ministers so Christianly Zealous as the Reverend Mr. Bradbury and Mr. Mangey. As for my part I can't but think that the best advice that ever can be given the Dissenters, is that all Dissenters may read the foremention'd Reverend Mr. Bradbury's Letter to Mr. J. B. Shute, so often till they have got it by heart, and practice it accordingly from their heart: And then they'll find that it has more of true Scriptural Form in it, than the

Arianizing

Arianizing Non-Subscribing Preachers and Baptists at Salter's Hall, *Paper of Advice*, which (as Mr. Bradbury well observes, *ibid.* p. 37) *makes a noise with Divine Institutions and Scripture words, yet is as much a Human shift as any thing can be.*—But let all Whigs (*ibid.* p. 35.) take warning by me, who am now reproach'd and laughs at for all I have done and suffer'd.

But God forgive the Original Authors (*Emlyn, W. Whiston* and *B. B—r*) of all these unnatural disturbances and Prophane Jealousies in all our Religious Places and Persons. In the last Years long Vacation *Whiston* aboards and adjures or conjures all the Christian Princes and Potentates in Europe, to tolerate the Arian Blasphemy for true Christianity, in their respective Dominions: This Year in the same Season, he as confidently Addresses himself to the Earl of Nottingham, in the same Bedlamit-style about the same Astrological Arian Visions. He pretends first to prove out of the Holy Scriptures (though he thinks them imperfect and corrupted) that the Son of God, Jesus Christ, was created and made by God the Father, not only a Creature, but also our Lord and God by Appointment; and that Christ as more than an ordinary Creature, created himself all other Fellow-Creatures, and made the Holy Ghost, as his prime workmanship, or more than an ordinary Creature also. The Texts that the Wretch quotes for those Blasphemies, are but the very same old Objections that his Forefathers the Arians abus'd Thousands of Times before, and which his Lordship read explain'd and Answered in Dr. Hammond's Writings and others, I doubt not: *2dly. Whiston* begs the favour of his Lordship to be pleas'd to take the Jesuit *Turrianus's* Apostolical Constitutions to be the best part of the New Testament: Lastly, with the same Air of Modesty, for the truth of all those Blasphemies he had utter'd, he Appeals to Archbishop Wake, Bishop Hooper, Bishop Smallridge, Bishop Potter, Bishop Chandler, Dr. Whitbey, Dr. Bentley, Dr. Clark, Dr. Hare, Dr. Waterland, Dr. Marsbal, Mr. Wall Mr. Gale, and Mr. Reeves, with others of our Masters of Antiquity, them all adjureing and conjureing to speak the truth without any tergiversation of prudential or Political Motives, what is their Opinion of his Proofs for Arianism. Thus this finish'd Arianomant raves on; though he knows full well that our wise Primat Wake condemn'd him a great while ago in Doctors Commons, as well as Arianism often in his Writings; so did the

2d. 4th. 6th. and 7th. in their several Writings; so all the rest, I doubt not, would occasionally do; unless perchance, some of them may have a mind for a little more fun of disputing: Though the *8th. and 9th.* were censured in full Convocation for more than suspected Arians themselves: But I doubt not but my Lord's Chaplain, the Learned Mr. Seaton will soon do them all Justice, in another Confutation of this impenetrable Arian and of those who rave with and after him, and will shew that both he and they are such as the Prophet calls *grievous Revolters, walking with Slanders; they are Brass and Iron, they are all Corrupters.* Amongst the foremention'd Delegates (of his own Maggoty chusing) for to make good his Appeal and Arian Pretensions, he puts *L. C. J. King*, and *Sir Isaac Newton*, Two Lay-men: Whereof the last knows as little of the matter as *W. Whiston* himself; *Newton* having been all his lifetime a meer Bigot to Mathematical Curiosities, and scarce ever minds or dreams of any thing else; unless his Prayers, and then he Whistles. The t'other indeed has been very laboriously studious and desirous to come to the Knowledge of several things, which his original stingy self-Education scarce qualify'd him for; neither did his meliorated succeeding Studies of his Wealthy Employ adapt him much more for such Ecclesiastical Enquiries and Searches, which at first so entangled him that in the first Three Centuries he imagin'd there was but One Meeting, Parish or Assembly or Congregation of Christians, in any One City, though ever so great, in the World; and that every Parish had a Bishop or every Bishop but one Parish; and that Presbyters or Priests, were no Head-Ministers of a Parish, but only as Curates to the Bishops of every respective Parish; and that Bishops, Priests and Presbyters were all of the same indelible (till lost, says he, not without smiling, doubtless) Order and Institution, because (do but mind the legality of the Evidence or reason) says he, there be but Two different Orders of Angels, *viz.* the common ones and Archangels according to his Bible, but mine mentions Two more, *viz.* Seraphins and Cherubins, *Isai. 6. 6. Ezech. 1. and 10. Exod. 37. 9. & 4 more, Col. 1. 16* However, even he, brings better consequences as well as better reasons against Arianism: See his *Enquiry*, p. 144. Artemon, says that grave Student, who deny'd the Divinity of Christ was confuted by the Psalms and Hymns of the Brethren, which were formerly compos'd by them, wherein they Praised Christ by making him

him a God. *Videſis Euſeb. l. 5. c. 18. Clem. Alex- andr. Protreptick. p. 52.* But that Bedlamite Frenzical Arian, were he to chuſe his own delicate Delegates and Delegate-Judges himſelf, every week for a Year, he would never ſtand to any of their Judgments; for he would certainly be condemn'd by the Majority of them all; and I defy him to pitch upon Twelve Men, fit for the Commiſſion of Judge-Delegates, in all *England or Europe*, or even in the World, but who would Judge him Nonſuited in his Proofs as well as condemn'd in his Arian Cauſe.

As to our little foremention'd Deacon, 'tis ſtrange that whipper ſnapper Baby with all his affected Gravity, ſhould venture (or rather *Collier* for him) to put in one of his *Reſtoring Controverſy-Pamphlets*, a notorious falſity, *viz.* That all Churches in the World, except that of *England* with the teſt of the Proteſtants, did uſe Water with the Wine in the Sacramental Cup; whereas nothing can be more certain, than that the *Armenian* Church (which flouriſh'd ever ſince the 5th. Century, equal to, if not far above any of the Oriental or Eaſtern Churches) never uſ'd to mix water with the Wine in the Sacrament, no more than 'tis, to this very Day, as even *Collier's* Edition of the *Historical Dictionary*, has not omitted to obſerve. Wherefore it muſt be an irrefragable mark that *Collier* was ſcarce any thing more to that Collection than to ſtand a Hireling Godfather, as *Harris* uſ'd to lye a Bed and order the Printer to take ſo many leaves out of *Oxonam*, and ſo many out of *De la Hire*, and ſo many out of *Moxon*, and ſo on, picking and ſtealing or filching and dawbing till the *Technicon* was wholly patch'd and plaſter'd up. So that *Collier* ſends that poor Innocent Boy *Tom D—on*, his Son in Schiſm, about the Town upon the ſorry Errands of picking up Pamphlet News, and of Publishing and ſcattering Schiſmatical Apples of Diſcord among the younger and ſmaller Clews of the Clergy, to whom he diſtributes their parts and Cues to talk and act by, with the *vile deſign* of clogging the Wheels both of Church and State, to their irreparable Damage at preſent, beſides what is to come and ſpring from thoſe deeply laid unhuman and unnatural *Mines* of Party-Rage, Envy, Revenge and Hypocriſy: Which are chiefly carry'd on now by *Collier*, *Earbury*, *Bret* and *Deacon*, who, as young as he is, ſeems more conſiderable than *Welton*: Yet one can ſcarce think any or all of them conſiderable enough in themſelves, or parts, or party, or learning, or intereſt, to be qualified or any ways capable to inſinuate themſelves and their affected Grave, or rather Grievous, Whymſies into moſt of the Clergy, more or leſs, unleſs by ſome ſort of Hypocritical Sorcery or other, as they

certainly have done: Neither can I think thoſe Gentlemen *Serious* in their Schiſmatical purſuits, while they pretend ſuch frivolous and immaterial excuſes for their Second Schiſm and ſeparation from their Mother Church, for which they pretend extraordinary kindneſs, and yet bear in hand ſuch idle and Childiſh, or rather deſigning, Objections againſt her Communion, as any ſerious Chriſtian ſhould be aſham'd to make uſe of, in deriſion of all Reaſon and Argument, as well as of Religion and ſerious Solidity or Humanity: *viz.* They muſt ſeparate, forſooth, from their dear Mother the Church of *England*, becauſe the Popiſh Prayer for the Dead & deſcent of the Holy Ghoſt upon the Sacramental Elements, is not reſtor'd: And becauſe the Oblatory Prayer immediately after the Conſecration of the Wine and Water, wants to be Reſtor'd. Very weighty reaſons indeed for to carry on their unnatural Schiſm, together with their Whims and Sphalms and ſhams! as if the *Lord's Prayer* did not contain all ſorts of Prayer, and conſequently might be ſufficient alone to Celebrate the Sacrament withall, both before and after Conſecration, together with ſome *extempore* Prayers or Ejaculations and Meditations: Though in reality nothing can be a more finiſh'd Piece of an Eccleſiaſtical Office or Liturgy, than the Communion-Service of the Church of *England's* Liturgy, which in all the reſt of its parts far ſurpaſſes all thoſe old ſham-Liturgical Patchworks, which our peeviſh *Non-jurors* ſeem ſometimes almoſt to adore. There is indeed a great Chriſtian Duty that is very much wanting in all Church-Offices or Liturgies, and Solemnities of Faſts and Feſtivals, and indeed ought much more to be reſtor'd than thoſe ſham Liturgical Superſtitious, inſiſted upon by thoſe Non-juring, or rather Conjureing Diſputants, who ſeem to talk and ſcold for diſputing ſake, or for a little more fun. However, the foreſaid grand Oblatory and Obligatory Prayer for the deſcent of the Holy Ghoſt upon the Sacramental Elements of our Minds and Souls, is the Liturgical Soliloquy, and the Eccleſiaſtical Office of Chriſtian Silence and Church-Conſideration, commonly call'd *Meditation*, or pointed and Articld *Contemplation*; which is very much wanting to be reſtor'd and cultivated amongſt all Chriſtians, eſpecially yours, except the *Quakers*, who ſeem to put the whole ſtreſs of Religion in the continual ſpiritual exerciſe of that Chriſtian Duty, which is even practic'd among the *Turks* and Heathens though notoriously abuſ'd and prophan'd by them as well as by the *Papiſts*: Which was the reaſon that the Reformation neither car'd much for the Name nor the thing in Theory: Yet nevertheless that great Duty was not

Not so immerg'd in the common course of the Reformation, but that all Protestant Churches have often re-inforc'd and re-injoyn'd it, as well as the Sacred Penmen : See *Eccles.* 3. 7. *Prov.* 17. 27. *Gen.* 24. 63. and 28. 11. 12. 16. 17. *Deut.* 33. 12. *Job* 3. 13. 16. and 29. 2, 3, 4. and 34. 27, 28. 29. *Psalms* 18. 27, 28. 33. and 39. 1, 2, 3, 4. and 55. 4, 5, 6, 7. and 77. 1, 2, 3, 4, 5, 6, 10, 11, 12 and 25. 8. *Eccles.* 1. 16. *Song of Salom.* 2. 5, 6, 7, 8, 9, 10. 14. 17. and 3. 1. 4. and 4. 6. 16. and 5. 2. 4. 5. 6. and 6. 3. 12. and 7. 9, 10, 11. and 8. 4. 12. 13, 14. *Isai* 1. 3. and 21. 5. 6, 7, 8. 11. 13. and 26. 20, 19. and 60. 8. *Jerem.* 31. 21. 25, 36. *Ezech.* 3. 34, 25, 26, 27. and 8. 3. *Dan.* 10. 2. 4. 5. 7. 8. 9. 12. 15. 16. 19. *Hose.* 2. 14, 15, 18, 19, 20, 23. *Nabum.* 1. 15. and 2. 1. and 3. 18. 19. *Matth.* 13. 15, 16, 17 and 14. 23. and 17. 1, 2, 3. *Luke* 10. 41, 42. *Rom.* 1. 18, 19, 20. and 2. 12. 13, 14, 15, 16. 17, 18. *Phil.* 3. 10, 11, 12, 13, 14, 15, 16, 20, 21. *Hebr.* 5. 14. and 6. 1. 19, 20 and 12. 14. *Psalms* 119. 62. *Matth.* 7. 7. 6. and 20. 20. 26. 38. and 6. 6. and 5. 44. *Mark* 11. 13, 24, 33. *Luke* 6. 28. and 11. 9. and 18. 1. *John* 4. 24. and 9. 31. and 14. 13. and 15. 7. and 16. 23. *Luke* 20. 40 and 23. 34. *Acts* 1. 14. and 20. 42. and 4. 24. and 10. 1, 2. and 7. 55. and 14. 23. *Rom.* 8. 26. and 12. 12 and 1 *Cor.* 14. 13, 14. *Ephes.* 6. 18. *Col.* 4. 2. and 1 *Thess.* 5. 7. and 3. 10. and 1 *Tim.* 5. 5. and 2. 1. and 2 *Tim.* 1. 3. *Hebr.* 13. 18. and 1 *Pet.* 3. 12. *James* 1. 6. and 4. 3. and 5. 13. *Revel.* 19. 0 & 22. 9 &c.

Meditations for Instruction and Consolation, in 8. *Lond.* 1612. Meditations upon the 7 Penitential and 7 Consolatory Psalms, in 8. *Lond.* 1612. Meditation on Christ's Passion, in 8. *J. Gerbards* Daily Watch of the Soul, in 8. *Lond.* 1611. *Meditationes Sacre* 50. *ad veram pietatem exorandam.* *Giesse*, in 8. 1621. & *Cambr. Anglicæ*, in 8. 1631. & *Ejusdem Exercitium Pietatis quotidianum*, in 8. *Giesse*, 1613. and in *English*, *Cambr.* in 8. 1631. The Duty of Heavenly Meditation revived, by *Richard Baxter*, at the Invitation of *Giles Firmin's* Exceptions, in his Book intitled, The real Christian. Price 6d. Printed for *Nevel Symons* in *St Paul's Church-yard*. Divine Meditations, with several Divine Ejaculations, by *John Quarles*, in 8. Solitude improv'd by Divine Meditation, or a Treatise proving the Duty, and demonstrating the necessity, excellency, usefulness, natures, kinds, and requisites of Divine Meditation, first intended for a Person of Honour, and now Published for general use : By *Nath. Ranew*, formerly Minister in *Fosse* in *Essex*. Printed for *N. Ranew* and *J. Robinson* in *St. Paul's Church-yard*: Price bound, 2 s. 6d. Holy Breathings under the sense of Sin : By *Thomas Price*, Gent. Price bound 1 s.

Heavenly Mindedness and Earthly Mindedness, in 2 Parts : by *John Row*, Minister of the Gospel. Price bound 1 s. 6d. Right Thoughts, the Righteous Mans's Evidence : A Discourse proving our State (God-ward) to be as our Thoughts are, directing how to try them and our selves by them, propounding Schemes of right Thoughts, with Motives and rules for keeping Thoughts right, by *Faithful Teat* : Printed for *George Sawbridge* on *Ludgate-hill*: Price bound 2 s. A Method and Instructions for the Art of Divine Meditation, with Instances of the several kinds of Solemn Meditation : By *Tho. White*, in 12. Printed for *Thomas Parkhurst* in *Cheapside*, Price bound 1 s. Gerard's Meditations and Prayers; done into English by *Ralph Winterton* : Price bound 1 s. 6d. *Manchester al Mondo* : Contemplation of Death and Immortality : Printed for *R. Thrall* in *Bishopsgate street*.

To these might be added, *Bishop Andrews's* Private Devotions and Meditations, and those of *Ach Bishop Lau's*, *Bishop Cosin's*, *Thomas Wolley's*, *David Stokes's* Retirements; and *Anonymus's* Enterthy Closet : Printed for *J. Martyn* in *St. Paul's Church-yard*, Price bound 2 s. Daily Devotions, or the Christian's Morning and Evening Sacrifice, digested into Prayers and Meditations for every Day in the Week, and upon other occasions, with short directions for a Godly Lite : By *J. Colt*, D. D. Price bound 1 s. 4d. Memorials of Godliness and Christianity, containing Meditations : By *Herbert Palmer*, B. D. Price bound 0 d. *Jacob's Ladder* : By *Jo Hall*, B. D. Price bound 1 s. A Christian's New-years Gift, or Exhortation to the chief Duties of a Christian Life : By *Sir Harbottle Grinston* : Printed for *J. Redmayn*, Price 6d. The Hearts Ease ; by *Simon Patrick*, D. D. Price 2 s. The Soul's Ascension in the State of Separation : By *Isaac Leoffs*, M. A. in 8. Price 1 s. The Doctrine of selfpossing, by *R. Baxter*. Price 8d. Sober Singularity, or an Antidote against Infection by the example of a Multitude : Being practical Meditations on *Exod.* 23. 2. By *R. Stedman*. Price 1 s. 6d. A Discourse concerning the Difficulties of the way to Happiness, with an account of the shortness and vanity of the Animal Religion; in which the marks of Godliness are discover'd, whereby many deceive themselves into an opinion of their extraordinary Saintship : By *Joseph Glanvil*, A. M. Rector of *Bath*. Printed for *James Collins* in *Fleetstreet* : Price bound 1 s. 6d. The Difference between the Spots of the Godly and of the Wicked : By *Jeremiah Burroughs*. Price 1 s. The Poor Man's Rest founded upon Motives, Meditations and Prayers; by *Jac. Norden*, in 12. Price 1 s. Divine Breathings, or a Pious Soul thirsting

thirsting after Christ; in 24. Price bound 1 s. Bishop Taylor and Bishop Hall's Meditations, &c.

I hope these are sufficient Evidences, even enough with a Witness, that the great Christian Duty of *Contemplation* and *Meditation* is not only compatible with Protestantism in general, but also is actually and comprehensively imbib'd in the practical Essentials of the Reformation, and re-inforc'd or re-injoyn'd as such by the Church of England-Principles, as well as by the Dissenters consequences. Yet 'tis certain, to say any thing in behalf of Christian *Contemplation* or *Meditation* (though Words often made use of in Scripture, as was shewn before) to any of the Dissenting Ministers 'twould be enough to throw most of them into Convulsions of their narrow understandings, and into Jealous startlings of their stiff-rump'd Education: Nay, most of our Clergy would go near to yawn at such a Discourse, and take the Person that should commend *Contemplation* and *Meditation*, especially as a Christian Duty, for little less than a Monkish Jesuit with *Mental Prayers* at his heels; for which Reason, Bishop A—y (who was told not long ago in the H— of L. that he study'd Politicks more than his Bible) us'd to say that our late good Bishop *Beveridge* was a meer Monk, &c. However, we must observe, that not only the Holy Scriptures but also all the Ancient Christian Writers, when ever they mention'd *Prayer*, or *Patience*, or *Fasting*, or *Silence*, or *Sacrifice*, or *Retirement*, they generally included *Contemplation* and *Meditation*, in the comprehensive Sense and meaning, and often made use of those very same Words, as necessary and inseparable adjunctives and correlatives, or inclusives: Though none of those Ancient Fathers ever writ e're a Tract expressly upon that Subject or with the Title, of *Contemplation* or *Meditation*, before the 5th. Christian Century, when the Learned Lay-Gentleman, *Prosper Aquitanus*, writ Three Books still extant, of a *Contemplative Life*: which are now generally taken to be the same that a Neighbouring Acquaintance of his call'd *Julianus Pomerius* (who, though an *African* or a *Spanish Moor*, liv'd then an Abbot in *France*) writ, *De Futura Vita Contemplatione vel De actuali Conversatione, vel De Vitijs & Virtutibus*. About the very same time the great *Austin* in *Africa* was writing his excellent Tracts under the express Titles of, *Meditations*, *Confessions* and *Soliloquies*, to be seen still amongst his Works, Vol. 1. In the same Century doubtless were writ those Mystical Contemplations often Printed under the Name of *Dionysius the Areopagit*, in *Greek* and *Latin*. Not but that *Eusebius Caesariensis* in the 4th. Century, before

had writ a bordering Tract with very near such a Meditative Title, viz. *De Spirituali Cogitatu Hominis*; to be read amongst his Treatises, which were found in the *Herivallensian* and *Compendiensian* Collection of Manuscripts, by that profound confounded Jesuit *Syrmundus*, and by him Edition'd at *Paris*, in 1645. 'Tis the 8th. of those 14 *Eusebian Opuscularies*. Vid. *Basilij & Nazianzeni Theodoretii & Chrysost. Philonis & Cassiani Opera*.

Besides our Fellow-wanting of that duty of Christian *Contemplation* and *Meditation*, there's another great Duty that is as much wanting as the t'other, and far more considerable than those Liturgical Abuses of the Neuter Gender, (which our Conjuring Non-jurors would needs have restor'd, for a little more Schismatical fun) viz. The Fundamental settling and frequent as well as solid inculcating of the difference and distinction between *Faith*, a Saving Vertue or Christian Grace; and *Faith* that's only an Historical knowledge or Elective and Credited Credibility, or Theological Study. The first *Faith* is a still renewing fresh Vital Act, always influenced from above, undeservedly given and received, without any previous Argumentative Discourse, but produced Vitally as well as inwardly by and with an all-penetrating heat and light, according to the unsearchable Degrees of the *Free Giver* or Creator's Will and Pleasure; which is to be waited on and for, by the foresaid t'other great Duty of *Meditation* and Prayer. The t'other kind of *Faith*, is to be shewn to be the outward means or Medium of attaining to a habit of the material knowledge of the things to be believ'd, and of the Motives of the Credibility thereof; which likewise ascultative *Faith* is so material a Duty that it ought to be continually cultivated with instructive improvements. Had these Three Duties of *Meditation*, *Vital Faith*, and *Sound Words*, been more faithfully follow'd and improv'd, there would have been a far greater Majority of the Fundamental Orthodox among our late *Exeter Assembling* Dissenters, than 24 to 16, as was first Published; but they themselves were afterward better advis'd, it seems, than to give the Names of their Heterodox Ministers; thinking, as well they might, it was a disgrace to them that there were so many of them, I suppose; since the Majority of the Orthodox Dissenting Ministers, both present and absent from their first and second *Exonian* Assembly, could at last be met withall, all over *Devon* and *Cornwall*, but 53 who would Subscribe to all their Three improving Acts of Orthodoxy; though *Edward Colton* afterwards forsook his Heterodox Ministerial Brethren, and assented to the Orthodox Dissenting Ministers, who were for sticking to the Sound Words and Faith of and in the ever blessed Trinity: Whereunto also *Dan Kellow* and *Jasper How* barely assented, but refus'd it seems, to Subscribe to the t'other Two of their Assembly-Acts for the Propagating of that Orthodoxy, which they, as well as too many others, think as little of and care as little for (had not present interest prevail'd) as their Heterodox Brethren in *Salter's Hall*, who rak'd up, it seems, 64 of their Preaching Animals, in opposition to 77 of the Orthodox

thodox Dissenting Ministers in and about London, whereof the most considerable were, *Jer. Smith, W. Tong, B. Robinson, and Thomas Bradbury*, as those of the Arianizing Heterodox Dissenting Ministers in and about London, who gave the most Scandal were, *John Evans, Sam. Wright, Ben. Grosvenor, Sam. Rosewell, Tom. Cotten, Ben. Avery and Nat. Hodges*: Whereof the last with most of their other Fellow-Arians, were ignorant and Hoggish Baptist Boars: As the few Presbyterian and Independent Arianizing Heterodox, that herded among those Socinian Baptist Sectaries, were the most impertinent and unbelieving and uneducated Fopling Flutters of all their Party. But how many favour'd the Clergy-ring leaders of the Arians, *W. W. Clerk and Hare*, in the lower house of Convocation, was not made so offensively Publick as the favouring Number in the higher House, who seem so coolly moderate, and so indifferently zealous or indolent, that all Sects seem to hope not only to have a clear Stage and fair Plea and Play, but also suitable favour and affection; which is more than their great Paterns the Dutch and French Protestants ever did or do: For none of the Reform'd Churches ever granted an unlimited Toleration, or even a Connivance, to such Sectary-Unbelievers, that strike at the very Fundamentals of Religion; for if Arians and Socinians may be Tollerated, there can be no consistent reason given, why Heathen as well as Popish Idolatry, or the Atheistical Assemblies of Deists, or the Antitheistical Meetings of Atheists and Scepticks, may not in like manner be indulged or bore withall. See Mr *Jurieu's* Answer to the Bishop of *Meaux*, and Mr *Martyn's*, a French Protestant Minister in *Holland*, Letter to *Pillioniere*, against the *Bangorian* Latitude of unsizeable and unbounden Toleration and Indulgence for every one to believe Mahomism, or to believe nothing, if one thinks fit, or is so perswaded with sincerity or Indifferency; wherewith we are sincerely Lethargiz'd out of all Religion, into a flat Prophane indolency: Because, as the Prophet said of the same sort of sincere Irreligionists (*Isai. 1. 3.*) but *Israel doth not know, my People doth not consider their indispensable Duties of the Vital Acts of a lively Faith*, with the Faithful knowledge of sound Words, through the continuance of Watchfull Meditation, Praying without ceasing, *1 Thess. 5. 17. Luke 18. 1.* The Learned *Samuel Werenfels* Professor at *Bâle* of the Christian Reformation of the *Zuinglians*, in his most useful Book, *De Logomachijs & de Meteoris Orationis*, Edit. *Amsterdam 1702.* in 12. makes it appear that most Authors are more zealous about rejecting or admitting of certain Terms or Words, than concerning the thing it self in Debate: Whereas if both Parties did but explain what they really meant by their Party-Terms or Words, there would be an end of the Dispute, and both Parties would agree: Thus, says that Excellent Author, some Orthodox Divines in their explanation of the *Holy Trinity* made use formerly of the Terms, *Cause and Effect*, to express the Coequal Personal Processions; whilst others rejected them as dangerous, yet both intended the same Orthodoxy: Thus the Greek Church, continues he, asserted that the Holy Ghost is the *Image* of the Father as well as the Son; and the Holy Ghost proceeds from the Father through the Son, and not from the Son, as the Latin Churches express it: Yet 'tis all but a Logomachy, or a meer strife about words, while they agree about the thing it self: As it appeared formerly about the word, *Hypostasis*, which the Latins taking to mean or signify *Substance*, would needs have a great Council call'd to condemn the Notion of *Three Hypostasis in the Trinity*, but when Bishops from all the Parts of the World met, the Grecians declar'd they meant no more by that Term, *Three Hypostasis*, than what the Latins do, by *Three Persons*: And then, when all come to all, they departed all homelike Simpletons, for not understanding one another better. Nay, Mr *Werenfels*, will have it, that there is but a Verbal difference between the Ne-

storians and the Orthodox, about the *Virgin Mary's* being stild the *Mother of God*; just, says he, as it was in *Charles the Great's* Time, about the Two *Spanish Bishops, Felix and Elipandus*, styling Christ, not the proper, but adopted Son of God; which the Orthodox condemn'd, though there was no real difference in Sentiment, but only in the words misunderstood. The same ingenious Author goes on to shew, the strange Antipathy some People had to certain Words, far more than to the thing signify'd thereby; as the Ancient Romans abhor'd the very sound of the word *King*, after they had abdicated their King *Tarquinius*, tho' the Power of their Consuls and Tribunes was not much less absolute than that of their Kings; thus, says the same Protestant Author, *ibid.* the very Word, *Kingdom*, became so odious to the *Cromwellians* in the Time of Usurpation in *Great Britain*, that it was actually retrench'd out of the *Lord's Prayer*, tho' 'tis certain, *Oliver's* Government was more Monarchical and even despotical, than any *Kingdom* perhaps ever was, especially in these Islands, notwithstanding his being call'd, not a King, but only a Tyrannical Protector. Thus the same *Cromwellians* would needs call *Meditation* and Penitential Prayer, or silent Humiliation, by the name of, *Seeking the Lord*, because the old Prophets made use of that Phrase in the Jewish times of Rebellion, under Types and Veils of darkness, homogenous with those that the Dissenters lay then under: Tho', to mention that Phrase, to their heirs per descent, our hodiernal Dissenters, 'twould be tantamount to an Exorcism, yet they still remain under the old Prophetick darkness in seeking the Lord's Text for Preaching mostly and often for conduct-Maxims, which they hammer and square to their own uncouth dispensation as well as to that dark one of halting and tardy *Israel* of Old. The Quakers call *Meditation*, the waiting upon the Lord, Stillness, Weightiness, or Concernedness, Soberness and Steadiness, or silent Meetings. The Baptists call it, *Self-Examination*, tho' they seem to be often pos'd therewith, and seldom balance their account. The Popish and Mahometan Monks call it, *Contemplation*, which proves commonly very Notional and Airy in their *Praxis* as well as Theory. The Jesuits call it, Mental Prayer, or good intention; chiefly because to *Meditate* is a Scripture Word as well as practice; for Bible-Terms seem too formal and simple for those double dealing Gentlemen of *Matchiavel's* Politicks. The Politick Church of *Rome* styles it, a Retiredness, Recollection, in the Presence of God and the Saints, or Solitude. The Church of *England* takes the Duty of Meditation, in all likelyhood, to be a reasonable forecast and a decent forethinking how to perform ones Duty within the Terms and compass of Law and Gospel, in all reason and probability: So that 'tis agreed of all hands, that the Duty of Meditation is or ought to be interwoven in and with all the Acts of all sorts of Religion, more or less; and that the Duty of a Vital lively Faith is the main Essential of Christianity: And 3dly, that the Duty of Sound Words is chiefly and almost solely meant of close sticking to Scripture-Terms; which the Socinians and Arians, in time of distress, pretend to entrench close under, as the Romanists under the Canon of the Council of *Trent*, in the time of necessity, when they are beat back to their Walls. But neither Arians, Romans, nor Socinians, did ever yet stand to their word in that case, no more than to the Scripture words for to express their knowledge or outward Duty of true Christian Faith by, without some of their old Sectary and encroaching by-words and Party-Innuendo's in some Additional dangerous Terms or Suspicious interpretations, by the by & under hand. Which lying Hypocrisy of Nominal half Christians has made it always necessary, that all the Christian Churches should adapt and adopt some few Characteristick Terms as consonant to and Sympathizing with the Scriptural Sound Words, for to be the Test and Standard to Try all Heterodox by: Such are the Words, Trinity of Persons, in Unity of the Divine Essence, and such like.

The Physical Post.

Numb. 1.

O R

The Doctors Weekly Visit to the Practitioners,
As well as to the Sick, and Well. For the Instruction of some,
and Diversion of others.

From *Athenæ Britannicæ* Vol. 1. p. 26, 93. and Vol. 2. p. 69, 70, 341, ad 359. &c. Vol. 3. &c.

August 1. New Style.

UPON the Occasion of so much Blood spilt in this present Northern and Turkish War, some Learned Physicians have been induc'd to treat in particular of the Nature of *Blood*, which they generally agree to be compos'd of little Red *Globuli*, or round little Lumps or Atoms, that swim in a Crystallin Humidity, much like an Aqueous Fluidity. 2dly, That these *Globuli* are heavier than the Crystalline Liquor that contain's them; which is the Reason that as soon as Blood depart's from the Veines, these little round Consistencies settle towards the Bottom of the Vessel, wherein they were receiv'd from the Veine, and because of their Softness and Fluidity they lye close on Top of one another, and unite themselves after such a Manner, that the Blood change's their Colour under the Surface, becoming a deep-red or of a blackish Colour: These Physicians are of an Opinion, that it happen's so, by Reason the Air has not the Power to move about these *Globuli* with the same Liberty as before. 3dly, That they move every one around it's own Axe: These Gentlemen adde, that having expos'd to the Air, one of the little Tubes that were made for to observe the Motion of these little round Substances, at a time of a little brisk Air, they tooke Notice that the-

se *Globuli* were moved much like the Air by Jercks, and confusedly. 4thly, That these smal round Congelations are five and twenty thousand times less than a Grain of Sand: And truly, it must be own'd that they ought to be considerably less, for to be able to pass through Arteries and Veines so little and so loose as those are, which are call'd Capillary-Vessels, by Reason of their Smalness, not surpassing a fine Silken Hair. 5thly, They further observe that those *Globuli* are soft and flexible, for to be able to pass, by spinning themselves into the Vessels before spoken of; and that when one is sick, they become more firm and harder. Whence these Gentlemen are apt to conclude, that most Distempers and Death it self, are commonly caus'd by the Hardness of those Sanguine *Globuli*. 6thly, That these *Globulin* Concrescences are join'd together by sapping and cooling one another. Our Physicians are apt to believe, that all Colds, Torpiditys and Congelements proceed from the Union or Conjunction of those Veiny *Globuli*. Lastly, Those Gentlemen further observe, that every one of those sanguine *Globuli* are compos'd of six other lesser *Globulin* Particles, which are no less flexible and soft than the rother, whereof they make the Composition. These Physical Hypotheses, seem to agree very much with the Ingenious *Malpigi's* Senti-

Sentiments in his accurate Treatise, *De Structura Viscerum*: as also with the curious Dr. *Lewenhoeck's Delftean Observations* with his *Microscope*. 7. 198. See Mr. *Mesnin's Observations, Faites avec le Microscope sur le Sang &c. à Paris*, 1679. in 12.

Cosmopolis, August 2.

An experienc'd Physician is publishing a Learn'd Book, concerning Agues, wherein he explain's after a peculiar new Method, how the cold and hot Fits are effected and occasion'd, and why the Fits come at a certain fix'd Day and Time, and how they are cur'd. He think's first, that Obstructions are the first Causes of Agues: 2^{dly}, That the obstructed Matter is sowr'd in the Fermentation: 3^{dly}, That this sharp and sower Matter being gether'd together in a certain Quantity, work's up in the Mass of Blood: 4^{thly}, That it cause's therein presently a sort of Congelation, or rather a Thickening, and Wheying by Ebbs and Flows. This seem's consonant enough with the *Athenian* and *Delft* Observations, discours'd of a while agoe. This being suppos'd, our Doctor pretend's, that the Cold which is receiv'd in the Beginning of the Fit, proceed's from this Thickening or Settling, which interrupt's the wonted Cours of the Spirits. But after sometime these same Spirits, that were stop'd, awakening themselves, and retaking their former Motion, they push and thrust with so much Violence that thicken'd Matter, which stop'd their Cours before, that they squeeze, attenuat and dissolve it all in the Blood. After this Dissolution, Heat naturally succeed's the Cold: because these Spirits have by this acquir'd not only a great deal more Motion, in endeavouring to break that Obstacle, but also they have mix'd in the Blood a certain Matter, which having been attenuated before, is not able to produce therein any other Effect, than

to stir up a Fermentation or Rarefaction. As for the fix'd Times wherein these Fits happen, he is of Opinion, that it come's from the Blood's Circulating with an even Rapidity, in the natural State; so that the Acid Matter must consequently take up always equal Spaces of Time for to fill again the Vessels stop'd by some Obstructions, and for to be able to cause that Working up, spoken of before. He explain's afterwards the Difference of Agues, by the different Nature of the Humours, and by the stated Time, that they take to replenish the obstructed Vessels: for, says he, as in a tertian Ague, the Vessels wherein the Obstruction was made, acquire in twice four and twenty Hours Matter enough for to produce that frothy Working and Fermentation beforemention'd, the Fits come every second Day. But as in a Quartan Ague the Humours are more thick and terrestrious, and flow with less Swiftnes, the Fermentation and scummy Working up must also be slower, and consequently the Fits farther distant one from the other. And for the same Reason, the Agues which are commonly call'd Quotidian, being caused by a saltish Spittle, which is fluid enough, for to make the tainted Matter to boyle up in a little Time, cannot choose but have it's Fit's regulated every Day. The *Theory* seem's to be approv'd of by that ingenious Chymist and the French King's Apothecary, *Nicolaus Lemery*, in his Cours of Chymistry, speaking of the Effect of Acids &c. who sold his Cours *de Chimie*, himself at *Paris*, in 1679. in which Year'twas printed. See, *Joan. Marco-Marci Liturgia mentis Epilepticae. Ratisbonæ*. 1678. in 4to.

An Extraordinary Dogmatist has done Wonders with this following Prescription and Preparation, in Curing all Sorts of Agues, far and near. *R. Quinquin. & Cort. fraxin. An. ʒiij. Pon. in Matrac. cum Sp. vin. rectificat. ʒiv. sp. sal. ʒj. Colloc. in Baln. Aq.*

Aq. tepid. ad hor. iv. saepe agitant. superadd. lbvj. sp. vin. commun. Deinde, pon. super ciner. tepid. per viij hor. & filtr. liquor. & serv. bene occl. ad usum. Dos. d. xv. ad xx. gutt. in vin. rubr. fifteen or twenty Drops of this febrifuge spirit, are to be mix'd with two spoonfuls of red Wine just at the Time of taking it; but it change's immediately the Colour of the Wine into a Beer-tincture.
7. 95.

Geneva, August 3.

Our famous Physician Dr. Theoph. Bonetus, is sayd to have made new Additions to his *Sepulchretum*, wherein he trace's out a particular Method for the Cure of the Dropsie. And observe's, that the ancient Physicians were very wide of the Mark in aiming at the Liver and Spleen, as the true Causes of the Dropsie, since it ha's been often found, that those two *Viscera* were very sound and natural in several Persons that dy'd of this Distemper. 2dly, He make's it appear by several Observations, that a great many who became yellowish, fell at last to be Dropsical. 3dly, He says, that when Dropsical Corps have been open'd, the Blather and the Channels of the Bile have been found full of several Stones. Which leade's one to conjecture, that the Bile which serve's to volatilize and to perfection the Chyle, not mixing itself any longer with it in the Internals, the Chyle for want of this Mixture remains crude and aqueous, and consequently very much dispos'd to those Distillations that cause the Dropsie. 4thly, He appeal's to that celebrated Experiment of the *Louwer* at Paris, whereby he make's it appear, that by Tyeing the Lower Vena Cava near the Diaphragma, all the Bowels of the lower Ventricle and all the Muscles do swell, and are distended and imbib'd with Water. This Experiment demonstrate's, that the Tumours which are found in different Parts of Dropsical Bodies, and the strange Substances that are seen sometimes in the Cavities of the prin-

cipal Vessels, doe not contribute to the Production of the Dropsie, but in as much as they stop up, and streighten the principal Veines, and interrupting the Cours of the Blood, do engage it to forme such Distillations as were spoken of already, which doe overflow and instagnate the Body's of Dropsical Persons. 5thly, At last, he shew's by other Observations, that the Dropsie is sometimes caus'd by the Opening of the Lymphatick Vessels. 7. 217. See, Theoph. Boneti D. Med. *Sepulchretum*, in 2. Tom. Geneva, 1679. in fol.

S. Cosmes, August 4.

An able Chirurgeon, call'd Mr. Tribolean, in the Cure of a Soldier who had been wounded in the Head with a Musket, had the Opportunity to gather two considerable Anatomico-Chirurgical Observations: First, that the Pus or Matter is form'd between the Dura and Pia Mater, very slowly and almost insensibly, and that it produce's no dangerous Accidents, but when after its being settled sometime, it acquire's a Degree of Corrosion and Malignity. His 2d Observation is, that the Incision of the Dura Mater is not so dangerous as some Authors would have one believe, especially when'tis separated from the Pia Mater, and from the Substance of the Brains by a Collection of Matter, which causes that Distance and Division. 7. 97. See, *Nouvelles Découvertes dans la Médecine à Paris*, 1679, in 12.

Berlin, Septemb. 5.

The great Chymist Mr. Elsholzius, has propos'd a new Method to colour Liquors, drawn through an Alembick; and thereby also demonstrated, that neither the Circulation of the Blood, nor the Heat of the Heart can give the Blood that red Colour which is so natural to it, but it must be a certain Salin Principle in the Blood itself, that give's the Chyle that Tincture, being helped by the Natural Heat: After the same Manner say's he, if you mix two parts

Parts of the Oyl of Tartar with one Part of Cows-Milk, and then put it all in a Earthen Vessel glaz'd, to be warm'd upon a Sand hear; this Mixture will all become a thorough Red. The same Chymist has also found out a new Way to fix Mercury, in Order to receive the true Tincture of Gold, after this Manner: Take 1 Ounce of Mercury, and 1 Ounce and a half of *Rouille*, and as much of common Salt, with a Pint of good Vinagre, then let all be put into an Iron Frying-Pan, and be boil'd up together, stirring it continually till the massy amalgamous Substance be compleated. And withall, he let's those understand, who fancy to fix Mercury by the Vapour of Saturn, that they must not fail, to put a little quantity of Ashes into the melted Lead before they put in the Mercury; 7. 137. See, *J. Sig. Elfsbolzii Destillatoria Curiosa sive ratio ducendi liquores coloratos per Alembicum. Berol. 1678 12. 7. 206.*

Musopolis, August 5.

Reading a Learned Danish Doctor's, *Traſtatus Medicus, De Morbis Caſtrenſibus internis. Auth. Jo. Valentino Willio Medic. Regio Caſtrenſi. Hafnia in. 4. 1678.* I was surpriz'd to find he went ſo much upon *Empyrism*, even to a Degree of *Empyrism*. He thought it worth his while, to preſcribe a little warm Water and little Gun-powder diſſolv'd in it, for Soldiers to waſh their Feet withall, after a long March, or other fatiguing *Laſſitudes*. And for to cure the *Scurvie*, he ſay's, 'tis ſufficient, to give enough of a plain Decoction of *Trifoil*, made with *Beer* for the Patient, to drink his Fill. His Preſcription for the Pain of the Teeth, is to hold in one's Mouth a little of the Decoction of the Shavings or Scrapings of *Abies* or Beech-wood. There is Lamb's-Gall commended againſt the Falling-Sickneſs: The Gall of a Boar or Hog to diſcuſs *Strumes* or hard Tumours, being bath'd thereon, and given inwardly: Sheep-gall anointed on the Navels of Children, and laid on with Wool, for looſing the Belly: A Goat's Gall for curing a Quotidian Ague, being made into a Cataplaſm with Bread, the White of an Egg and Oyl of Bays, and apply'd to the Belly: And an Ox-Gall, for curing a Noiſe in the Ears, being mixt with Goat's-Milk, and dropt in; and to purge the Belly, being given to 2 Drams or more in a Clyſter. Take Ox or other Galls (abſtracted from their Humidity or Moiſture with a very gentle Heat) one Pound, Tartariſ'd Spirit of Wine as much as may overtop it five or fix Inches; diſteſt and make a reddiſh Tincture, which decant and keep for uſe; for to bath the Face therewith, and leave it on three or four Days, not going abroad nor expoſing the Skin to the Air, then waſh it of, and ſo continue it for ſome time, for to be the greateſt Colmetick or Beautifier of the Skin in the World, and alſo for to eaſe and cure all old Aches and Pains by bathing the places therewith. Again, we are advis'd, to take

of that Tincture one Dram with two Drams of the Oyl of *Ben*, and half a Dram of the Oil of *Lavander* or *Rosemary*, and drop it into the Ears, for to cure all the auricular Diſtempers. Then we are bid to take, purify'd white *Vitriol*, Rock-Allum, of each 1 Ounce, *Saccharum Saturni* half an Ounce, Spring-water two Quarts; mix and diſſolve over a gentle Heat; diſteſt cloſe for 10 Days, decant the clear, filtrate and keep it for to waſh a way all ſorts of Tettars, Puſtles, ſcurf and *Morphew* or any other Breakings out in any part of the Body, if waſh'd therewith 2 or 3 times a day, for half an Hour at a time, and as hot as can be endur'd; as alſo to ſtop Bleeding or Gleet in any part, being uſed as aforeſayd, or injected, Clyſterwile for to deſtroy Worms, eſpecially the *Ascarides*, and to waſh ſore Eyes &c. But this prov'd ſo ſtrong a Doſe of *Empyrism*, that I was forc'd to ſee in the abovemention'd *Triboleau's* new Discoveries for an Antidote; which I partly found in the Amuſement of one of his Physical Reports of a Diſſection, which he made at *S. Coſme*, in 1665. wherein he found that the Muſcles of the Abdomen were all Membraneous beneath the Navil, as far as the *Os Pubis*, without any Appearance of any fleſhy or chaineous Fibras; particularly the right Muſcle, which had two Nervous Interſections or Croſſings of Nerves in that Space, and half of another in the reſt of it's Length. His next being the 6th and laſt Diſcovery, was not much leſs extraordinary, viz. of a new-born luſty Femal Child, that was accompany'd with a *Fetus* in the After-birth, of the bignels of one's Hand, but ſo flatt'd, that it was ſcarce a quarter of an Inch in Thickneſs, but almoſt as hard and ſtiff as the *Fœtus's* that are ſometimes preſerv'd for a long time in the Spirit of Wine. But turning back to his ſecond new Diſcovery, and finding that blanch'd Roman *Vitriol* was to cure all manner of Wounds without Suppuration, I was afraid I had light again of *Willius* or *Schroder's Pharmacopœia Medico-Chymica*; but turning on the 4th Diſcovery, I was as much in Danger of an incurable Gelatiſtick Fit, as I was before with that of the Spleen: But that Physical Report ſhall be abrig'd in its own Language, for Fear of any contagious Particles. *La quatrième découverte eſt d'une fureur uterine ſuivie d'accidens Etranges & des-honnêtes en une des filles enfermées dans l'Hôpital de la Salpêtrière, qui fut en ſin étouffée par un ſuffocation imprévue. D'où Mr. Triboleau tire cette conſequence, que la ſemence étant demeurée dans le teſticule (gauche, qui fut trouvé environ de la Groſſeur du poing & rempli d'un ſperme épaiſſi) faute de pouvoir traverser le vaiſſeau de la Matrice, il eſt à préſumer, que ceux, qu'on à creu juſqu'ici les véritables Ejaculatoires, ſont deſtinés à d'autres uſages.* So that the Medicinal Uſefulneſs and Exactneſs of Anatomie do's not conſiſt ſo much in the precise Knowledge of the Situation of the Parts, as to know the natural Uſe of them.

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The Doctor's H A R A N G U E
At the W E L L S,
O R,
The Physical - Post,

W I T H

Diverting and improving News, for those that
Use or Drink the *Waters* of any kind, even those of Affli-
ction, &c.



IF all the ancient Branches of *Physick*, not one seem's to be so well cultivated and made Use of by the Moderns with so much Gust and such Airs of Modish Courses of Gallantry, even by the Doctors as well as the Patients, as the *Hydro-ſatrical* Courses of *Physick* at *Wells*, *Baths*, *Spawes*, *Bagnio's*, and all other sorts of publick Waters, that are in the least *Physical*, or even, as imagin'd to be so ever so little: in so much, that those Lymphatick Situations become not only *Specifick Morbifigues* to the Sick, and *Prophylacticons* to the Weake, but also *Cosmeticks* to the Cloudy and Scurfy; and even for Company-sake, they become occasionally Politicks to the well and ill-designing Assignments of restless or working Brains as well as Philtrums to the Amorous and Licentious. Whether those modish Pleasanteries at Medicinal *Wells* or *Bagnio's* took their first Rise from the Fairee-Revels of the Poetick Nymphs, call'd the *Naiades*, about Fountains impregnated with *Physical* or *Metaphysical* Qualities, is not so certain, as that both sacred and profane Antiquity ascrib'd great Vertues to that Tetrarchal watery Element in general, and had particular and extraordinary Regard and Value for useful and helpful *Waters*: But none surpass'd our ancient *Saxons*, in that kind of Veneration, for that natural or preternatural *Physick* of Waters; since scarce a *Spring* or *Fountain* ever so little remarquable, for its Wholsomeness or Situation, could escape them, but they presently

Christen'd it by the Name of Holy-Well: And then 'twas to be suppos'd (without any further Trouble of Proof,) not only to be endow'd with miraculous Vertues from Heaven, but likewise that some Celestial Genius or some faintly departed Soul had fix'd his Pavilion there, and consequently that the Earth as well as the Water thereabout, was also consecrated Ground, all about it, with all the Appurtenances, of Trees, Nuts, Stones, Moss, Grass, Dust, Durt, and even all Passengers were suppos'd sanctify'd, *pro tempore & ex tempore*, as well as refresh'd, eas'd, heal'd and miraculously cured. And old *Dinoth's* Flock in process of Time, drunk so plentifully of that old *Saxon* watry Superstition, at the Fountain Head, that there's still near St. *Asaph* a Fountain, which is commonly call'd *Funnon Vair*, that is, *Mary's Fountain*, (especially by the *Romans*,) and is overshadowed by a large Philbert-Nut Tree, whereof the Nut is taken by the *Romans* to be as miraculously Medicinal and preservative from all Harms and Distempers as the very Spring it self; which is generally visited by the same *Romish* Patients, that resort far and near to their miraculous Cold Bagnio at *Holy-Well* in the same County of *Flint*. Tho' doubtless the limpid Streams all thereabouts may be in some measure Medicinal, without having any Recourse to miraculous *Metaphysicks*, in their frigid Capacity, as well as the Bath-Waters in their torrid Zone or sweating Faculty. There be abundance of Springs in this and other
King-

Kingdoms, that are call'd by the same Name of *Holy-Well*: But the Word *Holy* in the Original *Saxon* signify'd also healy, haily; that is, to heal, or to make hail and strong, or to that effect: Such a healing Fountain was *St. Rumold's Well* in *Buckingham*, superstitiously taken to be miraculous by the all-believing *Romanists*: See *Mr. Camden* and *Speed*, in *Com. Bucks. Nova Leg. SS. Angl.* fol. 276. where 'tis pretended, that *Rumoldus* was no sooner born of the *British* Royal Race, but being presently baptiz'd, he spoke and foretold strange Things, but immediately after, expir'd, and was bury'd first at *Barclay* in *Northamptonshire*, and thence translated to *Buckingham*, where he was pretended to have perform'd strange miraculous Cures with that Fountain-Water, which was miraculously sprung up for the more miraculous Purpose of such *Physical* *Metaphysicks*, by Vertue of the great Interest and Decency, which infatuated Tradition would have persuaded People, that there was to believe in that *Infant-Doctor's* Medicinal Virtues, wonder-working in and by that *Metaphysical* Spring. Several such *Holy-wells* or Waters are pretended with the like Superstition to be at *Rome*; viz. *L'Acqua di Mercurio*, alla quale concorrevano alli 22. di Maggio li *Mercanti*, & aspergendosi con aspersorio di *Lauro*, intinto in detta acqua, credevano liberarsi dalli spargiuri commessi nel trafficare la *Mercantia*: & pure speravano nel futuro maggior guadagno. This holy Water is still in the same *Plycophysical* Use with Improvements of rich superstitious Offerings of great Wax Candles and Sylver Chalice, yearly, if we can beleieve one of their own Zealots, *Giacomo Volaterrano* nel suo Diario, in his Description of that Holy Well, near *St. Sebastian's Church*, *Fuori della Porta di San Bastiano*. In like Manner in the *Piazza Colonna* the *Pontif Greg.* 13. erected another Holy Well or Fountain upon some such unhollow'd View, near the Palace di *Bufoli*, and the Chappel call'd by a Name wonderfully proper for all such Holy Wells and Places, viz. *la Madonna della Pietà de' Pazzi*; the Lady of the Piety of Fools. There's also another Fountain, with the Sprinkling of which, once or twice a Year, Asses are vainly suppos'd to be cur'd and kept in their Strength, better than by any of the *Veterinarian* or *Hippo-Jatrical* Medicines: besides

that Fountain, which stands in the middle of *Campo Vaccino*, to cure diæticall, & per bevverare le bestie &c. There is, *gran pilo di Marmo* in *Piazza Navona*, che serviva per publico Bevveratore à Cavalli, & anche accommodato per il medesimo publico servizio de' Cavalli &c. And the *Meta sudante* (still to be seen near *Titus Vespasianus's* triumphant Arch in the foresaid *Campo Vaccino*) la quale secundo alcuni, era una Fontana per Servizio de' Giuocatori &c. And the *Piscina publica*, la quale era un bagno, dove il popolo si andava à lavare &c. As to the old *Romans* publick Baths, call'd *Thermae*, they were very numerous, whereof there be several Monuments or rather Fragments, still remaining in the New superstitious *Rome*, which always play'd its Water-Engins from more Springs or Plugs than one, or than were visible or good, tho' generally Alchymical and Chrysothoracical; *Martinelli in Rom. Ricercat.* p. 159.

However, 'tis certain, that ever since the Spirit of God was pleas'd to move upon the Face of the Waters, he presently saw, that they were good; and they therewith took their place accordingly in the all-circulating Tretrarchy of the generating Elements, and thence became one of the grand Ingredients of Man's Creation and Preservation; and became even a grand Embleme of his Regeneration, (*Gen.* 1. 2. 10: *Num.* 5. 17. *Isai* 11. 9. & 12. 3. & 35. 6. & 43. 20. & 44. 3. *Ezech.* 47. 9. *Zech.* 14. 8. *Joan.* 4. 10. 12. 14. & 7. 19. 35. & 1. 33. & 3. 5. *Matth.* 3. 16. 11. *Marc.* 10. 38. *Att.* 19. 5.) 'Tis taken also for a Metaphor of Trouble and Persecution; as *Pf.* 69. 14. 15. & 144. 7. *Prov.* 17. 14. & 20. 1. *Matt.* 7. 25. *Luc.* 6. 48. *Revel.* 12. 15.) The old *Heathens* and *Romans* often plac'd Spirits of their own distemper'd Brains upon the Face of their Waters, as well as many Physicians of all Dispensations and Dispensatories mix their even deadly ignorant and base covetous Spirit with all Sorts of Waters, at the dayly fatal Expence of their Patients; who are thereby often brought to an empty oconomical Dispensary of their own, and compell'd to Drink Water oftentimes upon a more natural Account than that of Physick, and upon another-guess Necessity than that of bodily Illness, viz. the incurable Distemper of Poverty, tho' dayly visited by the over-diligent

gent Doctor *Missfortune*, who seldom prescribe's any other Physick, than the *bitter Draught of fair Water*, which nevertheless is truly styl'd *Aqua dulcis*, or *Sweet Water*; not so much for it's *Alcalous*, gliding, soft and innate Smoothness, as in Opposition to all saltish, mixt, brinish and Sea-Waters. 'Tis call'd likewise Spring-Water, Well-water, Pump-water, clear, clean and running Water, in opposition to all stagnating Water, as Kennels, Pools, Gutters, Ponds, Lakes and Marshy Waters, which are generally dirty, foul, filthy, muddy, and consequently seldom or never Potable, at least not with any Pleasure, or even safety, especially if in an unlimited Quantity, no more than most of the Mineral or Physical Waters. So that the true simple natural *Aqua Dulcis* or fair Water, is not only the most common, cheap, easy and usable Water, of all other Sorts in the World, but also the most Cordial, palatable, pleasant, Medicinal, and even Political and Poetical, of any of the other 3 Elements, as well as of any of it's own Kind or Species: For this one Reason only, which is certainly one of the most convincing Demonstrations in the whole Universe; viz. because that simple natural Water, call'd *Aqua Dulcis*, is alone actually and practically, the greatest Procreative, Nutritive, Divertitive, Alluretive, Conservative or Preservative of not only the greatest Part of Mankind, but also of the whole Creation in general; viz. of all the poorer sort of People, in their *puris naturalibus*: who certainly without the least Doubt are the most numerous, and consequently the most considerable of all their human Race and Species. As to the *Animal* or living Part of the Creation, 'tis plain, the major Part is most beholding to *Water*, of any other Created Being, since there's one considerable Part of the Animal Kingdom, that only move and live almost solely upon, with, by, from, and in the Water; whereas scarce any Creature can live long or altogether without *Water*, either in or upon the Earth and Aire, and much less in or upon *Fire*; nay, the Earth and Aire can't subsist themselves without *Water*, nor in all Probability the Fiery or Starry Kingdom, according to *Gen. 1. 6, 7, 8. Revel. 22. 1. 2. 17.* whereas Water has its *Being* without Fire or Earth, tho' perchance not all its Moving without Aire: 'Tis

true, the *Salt Water* has more *Quantity* and more Principles of *Quality*: But *Sweet Water* has more Principles of *Vitality*, and consequently of prime Origination and ultimate Resolution; and therefore is call'd a *Live* or *Living Water*. See the *British Prophet Merlin's Duodecim Aqua, perpetua & Viva: In Decade 14 Harmonia Chymico-Philosophica*. Francof. 1628. in 8vo. per *Hermannum Condesyanum collecta &c.*

As no Country ever abounded with so many celebrated Overtures of Mineral Waters, whether natural or artificial, *algid* or *Thermal*, *Glyco-crenian* or *Acidularian*, *Ferruginian* or *Hetero-Metallick*; so, no Nation is more given to the frequent Using thereof, or to the more usual Frequency thereof, than *England*, especially of late Years: Tho' none of them were known to the ancient Writers, particularly Forreigners, but the *Bath-Waters*, which are call'd by that *Ethnick* Patriarch of Astrologers, *Ptolemy*, *Hydarta Therma*, Hot Waters; and by the Emperor *Antoninus*, *Aqua Solis*, the Waters of the Sun: Another Heathen Geographer, cotemporary to the t'other two, (about the 2d Christian Century,) nam'd *Solinus Polybystor*, speak's thus in general of the *British Medicinal Waters*, pag. 303. (Edit. Lugd. Bat. 1646. Varior.) *Circuitus Britanniae quadragies octies septuaginta quinque Millia (passuum) sunt: in quo spatium magna & multa flumina sunt, Fontesque calidi opiparo exsculpti apparatus ad usus mortalium: Quibus fontibus praesul est Minervae Numen &c.* So likewise the Bath-Waters are only mention'd by the Learned Dutch Physician, *Martin Rolandus Frisingensis*, in his *Hydriatice*, Edit. in 8vo. *Dillingae*, 1568. where, in the third Section the Names of the Places of all the Medicinal Waters publickly known in his Time, are set down Alphabetically thus, as to the main: *Aponenses, Aquenses, Aquisgranenses, Badenses, Bajanae, Balthomicae, Belilucanae, Bollenses, Burmenses, Calderianae, Campaniae, Carolinae, Corsennae, Egranae, Enisenses, Geppingenses, Griesbachenses, Hebencrevonicenses, Hirsbergenses, Lixignanae, Hungariae, Lucenses, Lucullianae, Masinenses, Mompelienses, Moraviae, Petrinae, Petrioli, Paravinae, Piperinae, Pisanae, Porretanae, Pugeacia, Puteolanae, Rheticae, Returbii, Spadanae, Schwalbacenses, Timavenses, Transcheri, Villenses, Wildungenses, Wittenbergenses.* More of these and other foreign Medicinal Springs hereafter.

But

But as to the Number and Particulars of our *English Spaws*, they are mostly accounted for, in the following Authors of our own: viz. *John Chapman's, Thermae Redivivae*, in 8vo. Lond. 1673. *Tho. Guidot, De Thermis Britannicis*, in 4to. Lond. 1691. *Th. Johnson De Thermis Bathonicis, & Mercurius Botanicus*, Pars 1^a & 2^a. in 8vo. Lond. 1634. & 1641. *Will. Turner De Thermis Bathonenfibus*, in fol. Colon. 1562. *Rob. Pugh's Bathonenfium & Aquisgranenfium Balnearum Comparatio &c.* The Benefit of the ancient Bathes of *Buckstones*, in 8vo. 1572. by *John Jones*, whose 4 Books of *Bathes Aid*; and of the Natural Beginning of growing and living Things, *cum aliis Opusculis*, were edition'd altogether, in 4to. Lond. 1574. *Petri Causton Mercatoris Londinensis, Tunbrigalia*, in 4to. Lond. 1689. *Lod. Rowzee & P. Madan*, of the Spaw-Waters at *Tunbridge, Epsom &c.* *Rob. Plot's* natural Histories of *Ox. and Staff. &c.* *Sam. Denham's* History of the Spaw-Water at *Ilmington* in *Warwickshire*, in 8vo. Lond. 1685. *Thom. Johnson's* *Hamstead Heath-Plants*, in 8vo. Lond. 1632. *John Norden's* Description of *Hartfordshire* and *Middlesex*, in 4to. 1593. *Charl. Leigh's* *Phihysiologia Lancastrensis, & Tentamen Philosophicum, De Mineralium Aquis in eodem Comitatu observatis*, in 8vo. Lond. 1694. *Leigh's* History of *Lancashire, Cheshire, and the Peak of Derbyshire*, in fol. Lond. 1700. *Edm. Burlace's* *Lartham Spaw*, in 8vo. Lond. 1670. *E. Wilson's* *Spadacrene Dunelmensis*, in 8vo. Lond. 1675. *Mich. Stanhope's* *Knaresbrough Spaw*, in 8vo. Lond. 1632. *Edm. Dean's* *Spadacrene Anglica*, in 8vo. Lond. 1626. *Dr. French's* *Yorkshire Spaw*, in 8vo. Lond. 1652. *Dr. Wittie's* *Scarborough-Spaw*, in 8vo. Lond. 1660 1678. *Dr. Tonstall's* *Scarborough-Spaw*, spagyrically anatomiz'd, in 8vo. Lond. 1669. *Dr. Wittie's* *Pyrologia Mimica*, Lond. 1672. *Will. Simpson's* *Hydrologia Chymica*, in 8vo. Lond. 1669. *Mercurius Centralis*, or a running Discourse of Subterraneous Cockle, Muscle, and Oyster-Shells, found in digging a *Well* at *Sr. Will. Doyle's* in the County of *Norfolk*: In a Letter from *Thomas Laurence*, M. A. to *Sr. Thomas Brown*, in 12. Lond. 1664. *Beaumont's* Description of *Oaky-hole* in *Somersetshire*, and other subterraneous Grottoe's in those Hills; publish'd in the Transactions of

the Royal Society, in 1681. Numb. 2. The *Vale Royal* in *England* in *Cheshire*, by *Daniel King*, in fol. Lond. 1676. *Denham's* *Cooper's Hill*, in the Parish of *Egham* in *Surry*, above *Rumny-mead*, Edit. Lond. 1648. *Dr. Charlton's* *Stone-Henge*, 4to. Lond. 1663. *Lifter's* *Roman Wall*, in *Ph. Transact.* R. S. n. 145. *Lifter De Font Medicat. Angl.* 8. Lond. 1684. *Dr. Caius of English* *Mastiffs*. 12. 1652 *Webster's* *Metall* 4 1671.

Notwithstanding the foremention'd Material Preeminency of *fair Water*, fewer Authors have writ about it, than of any other kind of Water, or of any other Element. 'Tis true, *Plutarch* intitle's one of his Books, *Utrum Aqua an Ignis sit utilior?* As *Tully*, lib. 2. *De Natura Deorum*, and *Seneca* lib. 3. *Natural.* 22. c. 14. where he tell's us, that the *Egyptian* Sages make two out of every single Element, viz. *Male* and *Female*. Likewise the old Cosinographer *Pomponius Mela*, lib. 2. c. 5. tell's us of a Fountain or Spring in the Province of *France*, call'd *Narbon*, where of the Water was rather saltier than the Sea-Water. Others tell us of a Fountain or Spring near *Paphlagonus*, and of another in the Island *Andros*, and a third in *Naxos*, that had the exact Taste of Wine. See old *Pliny's* *Natural History*, lib. 31. c. 2. &c. *De Mirabilibus Pecci*, or the Wonders of the *Peak*, publish'd in 4to. Lond. 1666. in Verse by *Mr. Hobbs*, and in Rhime by *Mr. Cotton*, in 4to. Lond. 1681. Something to the same Purpose is *Dr. Woodward's* *Natural History of the Earth*. In 8vo. Lond. 1695. with the *Swan's Tale*, written by *Vallance*, and reprinted by *Mr. Hearne &c.* But the most specifick in this kind of Fresh Water, is our excellent *Dr. Plot*, *De Origine Fontium*, in 8vo. Oxon. 1685. together with *Antonius Fumanellus Veronensis*, *De Balneis Aquae simplicis*. Basil. apud Jo. Oporinum, 1542. in 4to. *Julius Caesar Claudinus Bononiensis*, *De Balneo Aquae Dulcis tepido, & de Chalybe*. Inter Consil. Medicinal. praestantiss. Italiae Med. & *Antonii Mariae Venusti Tergestini*. Francof. apud *Wolfgangum Richterum*, 1605. in 4to. and particularly, *Martini Rulandi Frisingensis*, *Hydriatice Aquarum Medicarum &c.* *Dilingae*, 1568. in 8vo. and above all *Georgii Agricolae Kempnicensis*, *De Ortu & Causis Subterraneorum libri 5.* Edit. Basil. 1558. in fol. & *Wittebergae*, 1612. in 8vo.

The PHYSICAL POST,

WITH

The Continuation of the DOCTOR'S Harangue at the WELLS.



BUT to know what kind of Fresh Water is the most Healthy, most Potable and Usable, we may consult Hippocrates himself, in *lib. 5. Aphorism 26.* the sole Original Architect Vitruvius, *lib. 8. cap. 2.* and *3. Galen lib. 1. De Sanitate tuenda, & lib. 1. de Simplicium Medicamentorum facultatibus; & ad lib. 6. Hippocratis de Morbis vulgaribus. Georgius Agricola, de Naturâ eorum, quæ effluunt à terra, lib. 3. &c.* In order thereunto Arbenus in his *Philosophers Supper, lib. 2. cap. 2.* observes, that Hydrostaticks are very uncertain as to the Essay of the Meliority of Fresh Waters, since it has been found by experience that Waters of an equal poize have been unequal in goodness, to a great disparity. But Pliny (*ut supr.*) says, the most certain way to determine that nicety of Hydrological Goodness, is to Try which of several Fountain waters, Heats and Cools the soonest; and thence conclude that to be best that does so. The Greek ancient Father in Physick, *Ælius Amidenus, in Tom. 1. Medicinalium, (Edit. Vener. 1584. in fol.) lib. 2. cap. 175.* utterly condemns all *River-water*: Which nevertheless the Great Patriarch of the Arabian College of Physicians, *Avicenna in lib. 1. Fen. 11. quæ est de Ægritudinibus Nervorum (Edit. 1. Paris 1570. in 8.)* prefers the Fluvial Streams before any Spring-water, for Humane use and Potable Salubrity: And the Latin Agricultural Doctor, *Columella, in lib. 1. cap. 3.* of Husbandry, is of the same opinion. Accordingly Pliny and *Georgius Agricola (ut supr.)* tells us, that the Kings of Persia never us'd to drink any other Water, but that of the River *Choaspis*, whereof they us'd to carry a sufficient Cargo along with them where ever they went, for their own use, as the European Potentates usually do Wine.

But all agree, that Fountain-water is better in all respects than Puteal-water, drawn up from a *Well* or by a *Pump*.

The Doctrine of *Ferruginian-waters* impregnated with the Chalibiating Vertues of Iron, is Learnedly delivered by the forementioned *Antonius Fumanellus, ibidem, de Naturâ. Ibid. cum Balneis Aqua Simplicis, ut supr. Nicolaus Monardes Hispanensis, De Ferro & ejus facultatibus & de Nive & ejus Commodis. Edit. ex Hispanico Sermone, in Latinum, cum Caroli Clusii decem libris Exoticorum, Lugd. Batavor. 1605. fol. Joannis Guidij Volaterrani, De Mineralibus libri 4. In quorum 2do. agitur de ferro & armis: De Salinis: in 3, de Moneta—in 4. De publicâ & privatâ utilitate. Francof. 1627. in 4. Webster's Metallography, in 4. Lond. 1671. Dr. Forden, of Natural Baths and Mineral Waters, in 8. Lond. 1669. And Dr. William Oliver's Practical Discourse on Bath-waters. Lond. 1707. in 8. There's lately published and Dedicated to the College of Physicians, by a Member thereof, a Pamphlet about Mineral Waters; wherein he very devoutly quotes the late *Salmon's Dispensatory*, whom he Persecuted, when he was alive, with as much Zeal and Devotion.*

The Doctrine of Baths in general, whether Natural or Artificial, Hot or Cold or Topological, may be seen Authentically deliver'd by the perpetuated Tradition of all the Orthodox Fathers in Physick, under the Title, *De Balneis Omnia quæ extant apud Græcos, Latinos & Arabas tam Medicos quàm quoscunque caterarum Artium probatos Scriptores; qui vel integris libris, vel quoque alio modo, hanc materiam tractaverunt, in unum Volumen redacta. In quo Aquarum ac thermarum omnium, quæ in toto fere orbe terrarum sunt, Metallorum item & reliquorum Mineralium natura, vires, atque usus exquisitissimè explicantur. Veneris, apud Juntas 1553. in fol.*

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The respective Authors of those several Writings be, *Rabbi Moyses Maimonidis, Particula 19. de Balneis, quam ex Problematibus Aristotelis Stagiritæ, De Aquis & Balneis. Extant. pag. 470. ejusdem Operis Veneti de Balneis*: Where may also be found the Homodox Writings of these Physical Greek Fathers, *Ælius Amidenus, Alexander Trallianus, Archigenes, Aretæus Cappadox, Oribasius, & Paulus Ægineta*; as also the following Arabick Schoolmen, *Abhengnesir, Seu Albhengnesir, De Balneis Sermo in appropinquatione Medicinæ ex Corpore. Extat Operis Veneti de Balneis, pag. 149. facie versâ & Abhomeron Aben Zoar, Abubeter Rhazes, Avicenna, Joannes Mesues, Joannes Serapio, & Sirasus*: Together with the more numerous Train of the Latin Race of Physicians, viz. *Aurelij Cornelij Celsi, Excerpta. de Balneis, Extant. pag. 304. Operis Veneti de Balneis, Arlunus, Bavarius de Bavarijs, &c*

Tho' Baths have their Vertues from their own intrinsic qualities, yet they generally are beholdng to their Situations for their Vogue, Fame and Nature. One of the First famous Topological Baths in Europe, was the Medicinal Water of *Apono*, a Village under the *Euganean Hills* near *Padua* in Italy, Celebrated by the Poet *Lucan, lib. 6. Pharsal*; and with far more Lustre by the Royal Pen of *Theodoricus* King of the *Goths*, whose Physical Epistle upon that Topological Thermal Account, may be seen amongst his Secretary's Letters, viz. *Cassiodor. lib. 6. & extat sub titulo, Theodorici Ostrogothorum Regis, De thermis Aponi, Epistola ad Aloisum Architectum, pag. 93. Operis Veneti de Balneis*; where also, pag. 222. may be seen *Petri de Apono, Pataviani, Excerpta de Balneis ex ejus Conciliatore Differentiarum Philosophorum & praeipue Medicorum, Edit. Papia, 1490. fol. Venet. 1496. 1504. and 1565, in fol.*

The most Celebrated Mineral Waters in France, be those of *Bourbon*, whose surface seems something Saltish and Oily, with a very Active and Sensible effervency, which casts out a considerable quantity of Fumigating Vapours, much like unto Liquors which Boil up violently on a great Fire. They appear in a Glass as clear as Rock-water; being without any smell, but when they are drank at the Place, they leave a heat in the Mouth a considerable time, yet without any sharp or burning quality, though the Taste is subtle and Saline, with a little Acidity.

true, the same degree of heat in common Water heated, would certainly cause a considerable burning effect upon the Lips, Tongue and Throat of them that would swallow it; but the Parallel proportion of Calidity, which animates those *Bourbon-waters*, produces no such adustion upon the Oral and Guttural Passages in those that drink them; though proportionably as those Mineral-waters grow Cool, their Piquant and something Mercurial Taste seems to encrease by a reuniting of their Salin Particles. The *Bourbon-waters* were at first made use of only for Bathing withall, or for to Poure them from a certain Height upon the Parts and Members affected; in length of time People began to venture to take them inwardly. At last Physicians examined, by a Chymical Analysis, the Nature of the Salt and Sulphur that prevail therein, and found, by the different mixtures which were made of the Mineral parts thereof with divers other Substances, that the Natural Salt of those Waters was not a simple Alkali, as 'twas thought at first, but a certain Nitrous and Androgenous Salt, that is, compos'd of a volatil Acid and a fixed Alkali; and that the Sulphur which causes their heat, proceeds from certain Fat and Bituminous Earth through which they pass.

These Waters have a lively and penetrating force, which causes them to run freely through all the first Passages and Sanguin Vessels; there presently follows a Diarrhetick course of Urine, with a laxative disposition of the Belly, almost as soon as ever the Waters are Swallow'd down; and immediately thereupon, the Pulse is Elevated, the Veins Swell'd, and the Skin strain'd, even to a Blackish Complexion. Wherever they enter, they presently dissolve Pituitous concretions, and melt down all Viscous, Salin, and indigested Fermentations. They sweeten the sharp and Piquant Humours; they take away Obstructions, and disengage all the Passages to affranchise the course of the Blood in the Veins, and for to render the course of the Lymphatick Humours more free in the Glands, they enliven the Mass of Blood, and set aside the superfluous Serosities, in driving them out by Sweat.

All these Specifick properties render them Sovereign against all the Distempers of the Stomach, against all Indigestions, Crudities, flatulencies, &c.

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ved Appetites, they cure the windy or humoral Colick, they are used with Success against defluxions of the Bile, and Dissenteries caused by Acidities; against the suppression of the *Menstrua* and their irregular paleness, the *Histerique* Passion; they dissipate Melancholliness, Hypochondriacal affections, Rhumes, shortness of Breath, inveterate Pain of the Head, the Palsie, the Sciatica, &c. But as they are excessive Active and dissolvant, they are not proper for Distempers that proceed from the dissolution of the Blood, or from any fiery heat that lies hid in any of the Bowels, such as the Piles, the Courses, Bleeding at the Nose, Spitting of Blood, the Hepatique or Liver-Flux, Inflammation of the Stomach, or of the Intestins, the Pleuresies, or such like. See all that can be said of these Waters, in a Book intituled, *Traité des Eaux de Bourbon l'Archevêque, selon les principes de la Nouvelle Physique: Par Mr. Paschal, Docteur en Médecine.* in 12. 1699. Wherein the Author very candidly instructs the Patients themselves how to cure themselves and be their own Physicians, by Drinking these Waters, and by adding sometimes thereunto some other proper Medicines, &c.

The next famous Medicinal-Wells in France, may be read of in a Book inscrib'd, *Traité des Eaux Minérales de Chenay (ou de Mont d'or) près de Reims en Champagne, avec la manière d'en user. Tiré des Ouvrages de M. de la Framboisière, Conseiller Médecin du Roy, &c. Par M. Nicolas de Mailly, Conseiller du Roy, Docteur & Professeur en Médecine de la même Ville, Faculté & Université.* in 12. à Reims, 1697. These Waters be Ferrugineous, Astringent, Bituminous, Nitrous, Chalybiated, Sulphurous, Vitriolated, and pass in all probability through some Sandy Veins of Gold &c. They are said to be very good against all Erysipelous breakings out, and Tettars, as well as against Ulcers of the Reims and Epilepsies. They should be taken about an Hour or Two after Sun-rising, and about Three a Clock in the After-noon, provided one takes but a light Dinner: The common Doze is about 3 Quarts, though some very strong Constitutions may double that quantity: In the beginning one ought to commence with a lesser Portion by one Quart at least, and so encrease it every Day from Nine to Ten Ounces: After one Drinks a Glass or Two

pause a little between every Glass, and walk leisurely about, &c. One should eat nothing for 3 or 4 Hours after taking these Waters, and the Dinners and Suppers ought to be light and easy of Digestion, and after all to go to Bed betimes, and endeavour to settle ones self to rest: But in Case the Water-Patient be troubled with Insomniety, or Watchfulness, or Convulsions, or Numbness of the Nerves and Muscles, or stiffness of the Limbs, or Gout Cramps, then the Author, Mr. Mailly, advises to Purge with Gentle Catharticks compos'd of *Tamerinds, Sena, Rbubarb*, and the Syrup of *Peach Flowers*.

Some others of the French Original Mineral Waters, are Celebrated in a Book intituled, *Nouveau Systeme des Eaux Minérales de Forges; où l'on découvre par plusieurs expériences quelle est la Nature de ces Eaux, & à quelles Maladies elles conviennent &c. Par Mr. Rouviere, Médecin du Roy, Intendant des Eaux de Forges.* in 12. à Paris, 1699. Forges is a Village in the County of Brai in Normandy, situated on a Rise or Elevated Place between *Rboan, Diepe, Amiens & Beauvais*; in that Place there have been Iron Forges time out of mind: Where also do spring out of the same Ferrugineous Ground, Three different Fountain-heads; The first whereof is call'd *Royale*, the second *la Reine*, and the third *la Cardinale*: The Water of all Three being drank leaves a certain Glewy pricking *Astrixion* upon the Tongue, and in other Parts of the Mouth; especially the first, call'd *Royale*, though the last is most remarkable for leaving a certain Savour and Flavour of a Sulphurous disagreeableness to ones Mouth; and in a Earthen Vessel it leaves a settling of a light, Fibrous and reddish Dust, on the sides and bottom of the Vessel, with a whitish scum or pellicle over the Top of the Water, which thickens by degrees till it becomes of a changeable and variable Colour, as that of the Rainbow: Whereas the settling and the Top of the *Royale* Water, is of a whitish Silver Colour. But the *Reinette* Fountain is still more remarkable for sending forth every Morning about 6 or 7 a Clock, and always in the Evening about 5 or 6, a great quantity of Flakes, or very thin Terrestrial Particles, hanging together by some Hoary or Glassy Conglutination, which have the same Savour as the settling of the same

bled and thick or muddy for a quarter of an Hour, and then clarifies again. Our Author Solve's that Phenomenon of Nature, by supposing a *recurb'd Siphon* with Two Branches; whereof the longest he supposed to have been by Nature inserted in the *Reinette* Fountain, and the shortest clapping it self naturally into the Original Spring it self, which communicates it self with the *Reinette*, by a still lesser Pipe or Passage, and to make it the more plausible, he had a stamp *Figure* or *Cut* thereof annexed to his Argument. But as to the Nature of these Waters, he is of Opinion that they have a great resemblance with *Lime-water* (call'd by the Physicians, *Aqua Benedicta*) as to their *Subtle*, *Sulphureous*, and *Balsamick Particles*, and as to their *Nitro-aerial volatil Spirit*, wherewith he says himself was cured of an irritating and reitering Pain of the Stomach. From all which, and other experiments of the *Analytical Method*, and by mixing those Waters with other Substances, he concludes, that their principal Vertue depends upon a double Spirit, resulting from the coalition of the Acidity of Air with the *Volatil* and fix'd *Alkali Salts* within the Earth, whence those Mineral Waters Spring.

To the same purpose we may also consult another French Book with this Title, *Nouveau traité des Eaux Minérales de Forges, où l'on fait voir dans les nouveaux principes de Physique & de Médecine, quelle est la Nature de ces Eaux par M. Bar. Linand Docteur en Médecine.* in 8. à Paris 1697. This Author tells us further, that the forementioned 3 Mineral Springs are situated Westward of the Village, in a little Valley, whereunto People descends through a long and pleasant Grove of Trees, set and cultivated some Years ago by the *Capuchin Fryars*, who have a small Convent in that Neighbourhood. At first those 3 Fountains were in appearance but one Spring, flowing out of the Ground together, at one and the same Passage, but when *Lewis* the 13th and his Queen went there a little before the Birth of *Lewis* the 14th, that Spring was cleansed, and found to have 3 different Heads, which entitled them to different passages and courses into as many Basins, into a bottom of five or six steps descent: The length of the Wells is about 2 Rods, and about one and a half in breadth, adorned with a little Brickwall high enough to lean upon or over: Ever since they were respectively call'd, *la Royale*, *la Reinette*, and *la Cardinale*, as was hinted at before, the *Reinette* yeilds most Water of any of the 3, which about 6 or 7 of the Clock in the Evening turns and runs reddish, though at other times 'tis clear enough, save only some little streaks of some Particles of the Iron-mine; it spouts its Waters from East to West. But the *Royale* gushes upwards out of several holes in the Stone wherewith 'tis covered; its Water is not colder than that of the *Cardinal*, which flows from North to South, so named from Cardinal *Richieu's* drinking it for the

Stone and Gravel, wherewith he had been Tortured for most part of his Life, more or less.

The Waters of those 3 Fountains are pregnated with the Elementary Principles, wherewith Iron is compos'd; they are rather a kind of Tincture of Mars or Iron, more or less strong or weak, being a Mixture or a Dissolution of the Vitriolin, Sulphurous and Terrestrial Particles, which make up all the substance of Iron in many Waters, but in proportion so exactly managed, that all the Art of Chymistry could never arrive to that pitch of Perfection which is Naturally performed in the Bowels of the Earth. The Mine of Iron, pursues our Author, is a porous body compos'd with Salts Vitriolated with Sulphur and Earth: The principles are so loose that Simple Water (which is the true dissolvant of all Gummy and Salin Mixture, as the Spirit of Wine is of all what is resinous and fill'd with Sulphur) is capable to disunite them: This dissolution is made more or less perfect, according as the principles of this Ferrugineous Earth are more or less closely united together. The Mineral Particles, wherewith these Waters are impregnated, the Volatil Acid Vitriol Salts are so subtle, that they fall off, or precipitate downward, when these Waters are carried to distant places, or kept too long; for then they proportionably lose their Original Smell Taste, and Force. The *Reinette* contains scarce any Mineral Particles at all: as on the contrary, *la Cardinale* is the strongest and most piercing or penetrating, 'tis sometimes mixed with the Waters of the Royal Spring, which is most used of all the Three.

These Waters are to be used mostly in June, July, and August, and the Body to be prepared, generally speaking, says our Author, by letting of Blood and purging once or twice: The quantity of these Waters must be continually encreas'd in the daily drinking, and then in leaving off, the quantity must proportionably be decreasing to the last time of using them. Some quicken or encrease the Activity of those Waters by dissolving a little Vegital or Polycrest Salt, or Crystal Mineral in the first Glasses: But our Author is of the mind, that 'twere better to mix therewith from 10 to 20 Grains of Tartar Vitriolated, or from 4 to 12 Grains of the Vitriol of Mars: If the Waters be warmed, they lose a great deal of their Vertue. Dinners and Suppers at the time of taking those Waters, ought to be very light and at proper Hours, and never Sleep after Dinner, but rather give one self some easy action, though not over fatiguing: And there ought to be a very exact Regimen or conduct of living for some considerable time after the Waters are left off. See likewise *Lettre de M. Bartholemi Linand Dr. en Med. écrite à Mr. — le 15. Octobre, 1696: in 8. à Paris, 1698* Wherein the same Dr. defends his forementioned Book from the Criticisms of some Physicians, who pretended that those Waters are not Ferrugineously Vitriolated or Vitriolally Chalibiated, or to that effect. 'Twould not be improper here to consult, *Traité du Mouvement des Eaux & des autres Corps fluides: Par Mariote & M. De la Hire, de l'Académie Royale des Sciences. à Paris, 1700. Elevation des Eaux par toute sorte de Machines, reduite à la mesure, au poids, & à la balance, par le moyen d'un nouveau piston & corps de Pompe, & d'un nouveau mouvement Cyclo elliptique, en rejettant Crisage de tout sorte de Manivelles ordinaires par le Chevalier Samuel Morland. in 4. Paris, 1699. Bernardi Cunnor, Evangelium Mediei, seu Medicina Mystica, de suspensis Natura legibus sive Miraculis. in 8. Londini, 1697. A. O. Geolike, Historia Anatomia & Chirurgia, in 8. Hale. Mag. 1713*

The Mathematical Post.

M. **W**HAT is the next useful Art and Science to be learn'd after Philology, or, the Study of Styles and Languages?

D. The Mathematicks without the least doubt, ought to be attain'd to, next after Philology; since the same Reasons which shew Philology ought to be learn'd before the Mathematicks, serve also to prove, that the Mathematicks ought to follow next, and precede all other Arts and Sciences whatsoever: For, as 'tis the plain and ordinary Course of Nature and Reason, that, before any apparent possibility of learning any Thing at all, one should be first of all instructed how to make one's own Meaning known, as well as to understand the Mind and Thoughts of others: Which cannot possibly be any other way known, but by the Knowledge of natural, or acquir'd, (or inspir'd) Languages, or Signs, or both; whereby one is enabled and made fit to be spoken to, as well as to speak to, to be read and understood as well as to read and understand, according to the different and occasional Words or Signs of Speaking, and according to the several and respective Methods or Characters of Writing, as also according to the various and convenient Style or Argument of Discoursing: Which in short is all that Philology can pretend to, with the whole Collection of its manifold Particulars: As may be further seen and understood by the following Induction of the several Titles, or Inscriptions of Philological Tracts, which either actually do, or implicitly or explicitly ought to contain the whole Pith and Substance of the respective Books and Treatises at large, either by the way of Emblem, Allegory, Analogy, Anagogy, Hieroglyphick, Mignature, Portraiture, Picture, or Signs and Tokens in *Short Hand*, with the Original History, or the gradual

advances, or occasional Improvements, or experimental Discoveries of the several Arts and Sciences, or the particular Branches thereof, then and there treated or discours'd upon. viz. of the aforementioned Philology

Babel sive Discoursus de confusione linguarum tum Orientalium tum Occidentalium, Edit. Norimberg. 1629. *Henricus Mublius de Origine Linguarum*, in 8vo. Kilan. 1694. (22. 455.) *J. G. Bessold, De naturâ populorum, ac simul Linguarum Origine & Immutatione*. Argentin. 1664. *Hieronym. Megiseri, Specimen 50 Linguarum*, in 8vo. Francof. 1603. *Claudius Duretius De linguis & characteribus Omnium Linguarum, sive, Thresor de l'Histoire des Langues*, Col. 1613. *Gul. Postellus, De Etruria Origine*, in 4to. Paris. 1551. *Ejusdem liber De linguarum, 12 differentium Alphabetis*, Par. 1538. *Ejusdem Tabula Alphabetica*, Francof. 1596. *Alphabetum Jacobi Bonaventura Hepburne Scoti*, Rom. 1616. *Hermannus Hugo de primâ Scribendi Origine & universâ rei literaria antiquitate*, in 8vo. Antw. 1617. *Modus legendi Abbreviaturas in utroque Jure, per Anonymum*, in 8vo. Colon. 1554. *Gustavi Seleni Cryptomenytices & Cryptographia lib. 9. cum Steganographia J. Trithemij enodatione*, excus. An. 1624. *dicat. Ferdinando 2 Imperatori, &c. Henr. Stephanus, De Origine mendorum & Criticis*. Par. 1589. in 4to. *Idem De Abusu Linguarum*, in 8vo. Par. 1573.

Thoma Crenij Animadversiones Philologica & Historica, novas librorum editiones, nonnullasque summorum aliquot virorum Nubeculas notatas, excutientes, in 8vo. Leida, 1697. (25. ult.) *Thomas Crenius de libris Scriptorum Optimis & utilissimis*, in 8vo. 1703. *Bibliotheca Historico-Politico-Philologico-Curiosa, quid in quovis Scriptore laudem censuramve mereatur, exhibens*, in 8vo. Germanopoli, 1678. (7. 127.) *Gulielmi Saldeni Ultrajectini, De Libris, varioque eorum usu & abusu, libri 2.* in 8vo. Amstelodam. 1688. (16. 594.) *De*
A *Bibliothecis*

Bibliotheca in 8vo. Ultraject. 1680. (9. 70.) Bibliotheca vetus & nova, in Folio. Altdorf. 1679. (7. 202.) Danielis Georgij Morhofi, Polyhistor, sive de Notitiâ Auctorum & rerum Commentarij, quibus præterea varia ad omnes disciplinas consilia & subsidia proponuntur. in 4to. Lubeca, 1691. P. Paulus Vergerius, De Nobilium puerorum Educatione, in 8vo. Lips. 1604.

Traité du choix de la Methode des études: par Mr. Claude Fleury, Prêtre Abbé de Loc-dieu, cydevant Precepteur de Messieurs les Princes de Conti, in 12mo. à Paris, 1688. (15. 519.) Maximes & Reflexions de Mr. de Moncade, avec un Discours du sel dans les Ouvrages d'esprit, in 12mo. à Rouen, 1691. (19. 616.) Entretiens sur les Sciences; dans les quels on apprend comme on se doit servir des Sciences pour se faire l'esprit juste & le coeur droit, avec la Methode d'étudier, in 12mo. à Lyon, 1694.

So the Mathematicks are in some Degree or other, as necessary as Languages, or indispensable Signs and Characters, or undeniable Arguments, in, for and thro' the acquiring, and the right using of all other Arts and Sciences whatsoever: For, what Art or Science can be well comprehended without some Part or other of the Mathematicks? Not so much as a Trade can be learn'd well, without Arithmetick or Geometry, or both, more or less, in some natural or acquir'd Degree or other: Scarce can a Book be well understood without some Mathematical Knowledge or other, either of Numbers, Weights, Coins, Measures, or some Astronomical, Chronological and Geographical Notions, or their usual Idea's at least; and particularly there be some Places in the Holy Scriptures, which cannot fully be comprehended without some regular Knowledge of Architecture (as Noah's Ark, the Tabernacle, and the Temple) and of Astronomy (as the Creation of the Heavens in *Genesis*, and the mention of the Stars in *Job*, and the *Psalms*, and several other Places) and of Chronology, Geography, Arithmetick, Stathicks, and

of most, if not all other Parts of the Mathematicks, as innumerable Instances throughout all the Scriptures make manifest. See Samuel Reyher's *Mathesis Mosaica*, Edit. in 4to. Kel. 1679, &c. In Physick, the Mathematical Rules of Proportion, and Astrological Influences, or Governments, are absolutely necessary to be consider'd. As also in Natural Philosophy there is no studying without some share of Astronomy, Opticks, Stathicks, and Hydrography. In Ethicks, the very common Terms require the help of Mathematicks; as when Vertue is said to consist in Proportion, and when distributive Justice is said to be rul'd by Geometrical Proportion; and in commutative Justice, Arithmetical Distribution must be observ'd: The same Thing may be apply'd to the Profession of Law, Policy and State-Government; insomuch that the Famous Juridical Civilian *Bartolus*, in his Treatise, *De Alluvionibus & Insulis*, scruples not to place the Necessity of the Mathematicks, for a Lawyer and Statesman, beyond all Dispute, interrogatively concluding, *Quid enim queso, poterit intelligere Jurisconsultus, Geometricis Demonstrationibus si instructus non fuerit?* And there he goes on particularizing several Laws concerning the Limits and Distinctions of Lands and Estates, with several other Law-Points, as *L. Adeo. §. Insula, ff. de acquir. rer. dom. Item. L. Hoc amplius. §. Plane. ff. de dam. infect.* And such like, which are plentifully found in the Body of the Civil Law, and which he owns he can find no better way to explain, than by using *Euclid's* Method of his Geometrical Demonstrations. The Famous Political Historian *Polybius*, in the 9th Book of his History, pag 560. of the *Geneva* Edition, 1608. demonstrates the same necessity of the Mathematicks, at least in some Degree, being an indispensable Ingredient in other Sciences, and consequently to be attain'd before the higher Studies or other Superior Sciences, of Policy and Government; his Words are thus rendred by his learned Interpreter

Interpreter *Nicolaus Perottus Sipontinus*, in the foremention'd Page, *Quocirca rursus liquet, necessarium illis esse, qui recte ad propositum & res gerendas callimare volunt, ut Geometricandi scientiam teneant, si non perfectè, hætenus saltem, ut intelligentiam proportionum & theoriam similitudinis habeant, &c.*

M. Was it then a standing Custom amongst the ancient learned Men, to learn Mathematicks before they set upon any of the higher Faculties, of Philosophy, Physick, Law or Divinity?

D. 'Twas the constant Opinion and Practice of the most discerning Antiquity, to commence higher Studies by the leading Card of Mathematicks. 2dly. To prefix the Natural Mathematicks, or the naturally known Principles, as the basis or ground Work of all Mathematical Knowledge. 3dly. And to look upon Mathematicks as a proper Study for Youth, as well as useful and necessary for the better attaining to all other Arts and Sciences whatsoever. Hence the piercing Brain of great *Aristotle*, well observes, in his 6th Book of *Ethicks*, and 9th Chapter, pag. 99. of *Geneva* Edition, 1606. Σημείον δ' ὅτι τὸ εὐκλείδης, καὶ διότι γεωμετρικοί μὲν νέοι καὶ μαθηματικοὶ γίνονται, καὶ σοφοὶ τὰ τοιαῦτα, φερόμεναι δὲ ὡς δοκεῖ γίνεσθαι — ἐπὶ καὶ τῶν ἀντιστρέφουσιν, διὰ, &c. The Proof, says he, of what has been said before, is because Young Men may be made Geometricians and Mathematicians, and may become wise in these Arts and Sciences, but a Youth cannot be made Discreet and Prudent in other higher Studies. — But if we look into the Reason, why a Boy may be made a Mathematician, but not a wise, nor a natural or a physical Philosopher, 'tis probably because Mathematical Things are consider'd as quantity abstracted or separated from Matter in General. But the Principles of Theological, Physical, Mechanical, Juridical or Moral Philosophy, depend upon Time and Experience of Things in particular, which Young Men do not Practically know, or experimentally and self-believe, but only say after

others by rote; but the Nature of Mathematical Things is not obscure nor difficult, it being of quantity consider'd in general, abstracting from all particular Matters, and not considering whether, for Example, the Lines, Figures, or Angles be of Iron, Wood, Earth, or any other particular Substance. Wherefore Divine *Plato*, would admit none within the Doors of his Academy, but those that had before study'd and acquir'd Mathematicks, the Entrance of his School being fore-caution'd with this Motto and Condition, Οὐδὲς ἀγεωμέτρητος εἰσὶν, Let no Body enter here, that is not a Geometrician before-hand, or without having first study'd the Mathematicks. Whence *Plato*, in his 7th Book, *De Republica*, with the rest of the ancient Masters and Scholars, always plac'd the Mathematical Studies, amongst *Προπαιδία*, *Προπαιδίας*, or Things that are to be learn'd first by Youth, or before Youthful Studies, or before Youth is over, or appropriated for Young Persons, as necessary Preparations for other more advanc'd Undertakings, in any other Art and Science whatsoever.

M. What is the Meaning of the Word Mathematick?

D. Its Original and Natural Signification, is, any Thing learn'd or to be learn'd, or Learned, or Learner, or Learning. It comes radically from the Greek Verb *μαρθάνω*, *disco*, I learn, &c. from whence the Latin Words, *Mathematica*, *Mathemata*, *Mathefis*, &c. And in other Languages, the Word is much at one, only with a small Alteration of some of the Letters, or change of Characters; as most other proper Names, and Terms of Art, are much the same in all Languages: And as all Arts and Sciences are the same Way and Method to be learn'd, viz. by reading, understanding and practising.

M. What further Meaning has the Word Mathematicks?

D. It comprehends its own several Branches, in these 17 following Arts and Sciences; Arithmetick, Algebra; Geometry,

metry, Geodesy, Trigonometry; Opticks, Catoptricks, Dioptricks, Perspective; Astronomy, Astrology, Horologigraphy; Chronology, Geography; Stathicks, Architecture, Hydrography.

M. Might not all other Arts and Sciences, as well as those 17, be call'd by the Name of Mathematicks, since it imports no more of itself, than Learning or to be learn'd?

D. They might indeed, according to the Etymology and Rigour of the Word, but use and custom has order'd it otherwise, for some or all of these following Reasons: 1st. Because Mathematicks should be learn'd first, more or less, before all other Arts and Sciences whatsoever: 2dly. Because the Principles of the Mathematicks are known before all other, by the very light of Nature: 3dly. Because the Mathematicks are learn'd with such undeniable Evidence, and demonstrative certainty that Tantamounts to Infallibility, which no other Art or Science whatsoever can pretend to: 4thly. Because they are learn'd more easily, as depending more upon the Memory, and less upon Experience and Understanding, than any other: 5thly. Because they may be learn'd by all Ages, even by Children almost ever so Young, that can use their Senses and Memory, which cannot be said of any other: 6thly. Because no other Art or Science can be learn'd at all, much less to any Perfection, without some Degree or other, more or less of the Mathematicks: 7thly. All other Arts and Sciences, are forc'd to be so far dependant and subordinate as to borrow their most necessary Preparations, and the best Proofs, and the very Standard of Evidence and Argument from the Mathematicks.

M. What is the Original Reason, Nature and Ground for that Excellency, Multiplicity and Precedency of the Mathematicks before all other Arts and Sciences whatsoever, in the order of Nature, in the Degree of Dignity, and in the Course of Studies?

D. That we may wind up the Bottom authentically and gradually, from the original Offspring of naked Nature, we are to twist up together these following Observations: 1st. As the great *Stagyrit*, in his very first Line of Metaphysicks, lays down as the farthest fetch'd Principle of all human Knowledge that can possibly be imagin'd, that all Mortals naturally desire to know and learn, Πάντες ἄνθρωποι τ' εἰδέναι ὀρέγοντο φύσει. And in the same Book, Chapter the 2d. towards the end of it, 'tis further observ'd, that this natural and inbred Desire of Knowledge, exerts itself in all Men from the Depth of this principal Reason, viz. Because Men at first admiring what the Cause should be of such an Effect, which they see and know, but cannot perceive the Cause, 'till they dive into it by a thoughtful and experimental Scrutiny and Enquiry after it: So that from the Knowledge of the Effect and the Ignorance of the Cause, springs a certain connatural admiration, which cannot cease or be satisfied 'till, as the *primum mobile*, or first Wheel, it sets all other Springs and Faculties to move and work upon this grand Inquest: Whence the beginning, invention and improvement of all Arts and Sciences whatsoever proceed and are carried on: And that incomparable Master of Reason, *Aristotle*, expresses that Sense, in the fore-mention'd Place, in these Words, Διὰ γὰρ τὸ θαυμάζειν οἱ ἄνθρωποι καὶ νῦν καὶ τὸ πρῶτον ἤρξαντο φιλοσοφῆν, &c. Herein is shewn how Men first began to Study, from admiring the sudden Causes of little Things, and then advancing to those of greater Effects, and so on by Degrees, as Beginners learn, 'till they arrive to the Knowledge of the first and supreme Cause of all Effects: For, as 'tis divinely said in the same Chapter, Ὅτι γὰρ Θεὸς δοκεῖ τὸ αἰτίον πᾶσιν εἶναι καὶ ἀρχὴ τις καὶ τὸ ποιῶν ἢ μόνον ἢ μάλιστα ἂν ἔχοι ὁ Θεός. God appears to be a certain Beginning Principle, and Cause to all Things; and this Knowledge of Causes and Effects either God only, or chiefly has.

The Mathematical Post.



HENCE *Alcinous* in his Book of the Doctrine of *Plato*, Chapter the 30th. and *Aquinas* in his 1st Book against the Gentiles, Chap. the 2d. remark, that all Knowledge of secret Things and hidden Causes promotes Human understanding nearer to the similitude of the Divine Nature. And *similitude* is a great reconciler of Mutual Love and Friendship, as *Aristotle* well observes in *Magn. Moral. lib. 2. c. 11. sub. med. p. 236.* ἡ μὲν γὰρ καὶ ὁμοίωσις, ἡ τῶν σπουδαίων καὶ ἡ τελεία φιλία. Whence in the Book of Wisdom 'tis said, *cap. 7. 27.* that Wisdom in all Ages entring into Holy Souls, she maketh them Friends of God, and Prophets.

The Second Observation is, as *Plato* in his *Dialogues Gorgias* and the *Theatetus*, and *Austin* in his 19th. Book of the City of God, *cap. 1.* agree, that our Natural desire of and for Knowledge is chiefly influenced by a Coordinate Original and inseparable inclination to be *Happy*. Which Human happiness consists partly, in a Thoughtful and Studious Contemplation of *Truth*, and partly in Actions suitable and conformable to *Vertue*, as *Aristotle* well notes in his 7th and 8th Chapters of his first Book of *Ethics*; from the various ways of Contemplating *Truth* and of exercising *Vertue*, proceeds the Variety of Arts and Sciences: Which are dignified and distinguished partly by the Methodical conveniency or opportunity of the *Teacher* and *Learner*; and partly by the Nature of the things subjected or ascrib'd severally to them, as subjects of Attribution, or any other *Predicats*, or Objects: and in particular as our Natural powers or faculties of Being, Seeing, Feeling, Hearing, understanding, &c. are distinguished by their respective Objects; as *Plato* in his Dialogue of *Poetick*

Fury, and *Aristotle* in 1. *Post. cap. 25.* wisely consent. So that the distinction of Arts and Sciences intrinsically and naturally proceeds from the different way of Contemplating and attaining their objects; as also from the unlikeness and difference of their Principles, which they respectively use.

The Third Observation is, that the matter or subject of Consideration, of any Art or Science must have Two sorts of Attributes, or Prerogatives, or Properties, or Beings, different from its Natural Posture and material Appearance: Whereof one is in respect of the understanding faculty, which is thereby exultivated and manifested: the t'other is the habitual faculty or knowledge by which 'tis attain'd to: Now our intellectual faculty or power being *immaterial*, and it being impossible that any thing should enter into it but what is so too, in some degree or other, that is *immaterial* also, at least in our *Thought*, which must refine the material subject of knowledge into as great *immateriality* or likeness to our understanding as possible; which can be no other wise effected than by *thinking* and imagining the subject of consideration in any Art or Science, to be stripp'd or uncafed of its outward matter and gross Appearance, and so cast our thought upon the thing in general, without *thinking* of it as it actually, or rather materially and visibly is in any particular whatsoever: Which thought of a thing in general, abstracting or præsending from all particular matter, or, not considering the subject or form of our thought, as it has reference or relation to any *confined being*, or in any particular restriction, confinement and circumstance, is call'd *Abstraction*, or *Precision* of by and in the intellect or understanding or consideration or thought from all *Matter* and Motion.

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The Fourth Observation is, that consequently the Study and Consideration of Arts and Sciences is to be divided and distinguished according to their several Abstractions more or less from matter: For all Arts and Sciences ever so practical of themselves, in as much and whilst they are learnt by Book, are to be look'd upon as Speculative both as to the Master and Scholar. And as they are consider'd as Contemplative, they cannot be levell'd or carry'd of themselves into their objects, but only as their objects are in some manner separated or abstracted from Matter; because otherwise they would not be adapted for the understanding, which is without matter, and which they pretend to accomplish. Human understanding in such speculative abstractions and precisions commonly begins at the bottom and so goes up to the top, that is, it proceeds from inferior things, till it comes to those that cannot be divided, to the height of the Generical things, which stand above all Generical and Differential mixtures and compositions; because those things which are nearest to our Senses, are most known to us, though the things that are most remote from our Senses, are in their own Nature and of themselves most intelligible; and the farther things recede from Sensation, so much the more Generical, General, and Universal they become. These Scientifical Abstractions from matter are properly but Three, that is, there may be an intellectual Abstraction either from sensible matter in particular only, or Secondly from sensible matter even in general, not in reality, but only in thought or the understanding; or Thirdly from all sensible matter both in reality and reason: The First of these Abstractions principally belongs to Natural Philosophy, the Second to Mathematicks, and the Third to Metaphysicks or Natural Divinity. These sorts of Scientifical Abstractions and mental separations rely upon no falsity or error; for thereby there's nothing ascrib'd to any thing, which it has not, nor any thing deny'd which it has, but only by thought a thing is consider'd alone without that which

'tis constantly, commonly or possibly, or sometimes joyn'd to: that is, the Abstracting faculty of the Understanding may consider things that are united as if they were divided, material things as if they were without matter, moveable things as if they were without motion.

The Fifth Observation is, that though Physiology and Ontology have but one each specifick Abstraction, yet the Mathematicks by reason of their multiplying pregnancy, have one Generical and Two specifical Abstractions: For Mathematical subjects are either by thought divided from sensible matter only, or from both sensible and intelligible matter together; if they are Abstracted the first way they belong to Geometry, if the latter, to Arithmetick; both which are the only sincere and pure parts of the Mathematicks, the rest are call'd Mixt, partly belonging to one of these Two, and partly to some other Art and Science; though quantity is the prime Mathematical object, yet it does not belong to Arithmetical and Geometrical Discipline to consider the essential Constitution of quantity; which cannot with any compleat Knowledge be conceiv'd or understood without an express notion of corporeal substance; since they don't pretend to prosecute the proprieties of Number and Magnitude so far as to deeply examine into their Nature, or their essential habitude and dependance of material substance, which yet Generically conceiv'd may be taken as abstracted and separated from matter, that is, as indetermin'd and indifferent towards it. The sixth Observation is, that there be Three sorts of Matter to be consider'd, First, Matter is call'd sensible, when it is cloath'd with its accidents, that move the Senses: Secondly, there is intelligible matter, which either is to be taken for the first matter as supporting quantity, or rather for Magnitude in general, that is, the surface, line and depth, which cannot be perceiv'd by sense but by the understanding only: The Third is term'd Metaphysical or Potentiality, or the intelligential Hyle, according to the Book of Causes, Proposition

position the 9th. 'Tis not necessary that the object of a Science should be taken and imagined to be freed from this third sort of matter or Potentiality, because 'tis originally imbib'd in the very primogenial Thought and Conception of all created things whatsoever: For there's nothing but God, who is all a pure Act, can be possibly thought upon without including the notion of this Potential matter or dependency upon the Divine Actuality: And human understanding is so far from excluding this Metaphysical matter from the objects of Sciences, for to make them Potent to enter into Man's thoughts, that Human intellect from its Primitive Constitution, is wholly in Potentiality, just as a board before any Paint or Picture is drawn upon it, or as a piece of Paper before 'tis writ upon; or as the receptacle of Natural light or connatural and correlative Ideas; according to that transcendent Interpreter of Reason *Aristotle*, in his 3d. Book of the Soul and 4th. Chapter, Text the 6th. *καὶ εὖ δὴ οἱ λέγοντες τὴν ψυχὴν εἶναι τόπον εἰδῶν, πάλω' ὅπ' ἔτε ἔλη, ἀλλ' ἡ νοητικὴ, ἔτε ἐντελεχεία, ἀλλὰ δυνάμει τὰ εἶδη.*—Text 15. *ἴσθι δ' ἔτιως ὥστε ἐν γραμματείῳ ὃ μὴ ἐν ὑπάρχει ἐντελεχεία γε γραμμένον ὑπερ συμβαίνει ἐπὶ τῷ νῦ καὶ αὐτὸς ὁ νοητός ἐστιν ὥσπερ τὰ νοητὰ ἐπὶ μὲν γὰρ ἄνευ ὕλης τὸ αὐτὸ ἐστὶ τὸ νοῦν καὶ τὸ νοούμενον ἢ γὰρ ἐπιστήμη ἢ θεωρητικὴ, καὶ τὸ ἐπιστήδον τὸ αὐτὸ ἐστὶ τὸ δὲ μὴ αὐτὸ νοεῖν τὸ αἶψον ἐστὶν ἐπισκεπτόν, ἐν δὲ τοῖς ἔχουσιν ὕλην, διωκόμεν μόνον ἕκαστον ἐστὶ τῶν νοητῶν ὥς ἐκείνοις μὲν ἔχ ὑπάρχει νῦν ἄνευ γὰρ ὕλης διωκόμεν ὁ νῦν γὰρ τοιούτων ἐκείνῳ ὁ τὸ νοητὸν ὑπάρχει.* Here is further observed, how the understanding and the things understood being abstracted by thought from matter, are united so as to become almost one and the same thing, especially in pure Spirits or Intelligencies without material substance; but in or between Human understandings and their objects, in as much as they are incumber'd with their Natural matter, there can be no other Union than Potential, or being in the Power to be so, or being entitled to that actual Union of the objects with their intelligible Ideas, whenever a refin'd springing thought files off the rust of material objects, and

reduces the Natural Potentiality of silent Ideas, to an Elastick Act of Theoretick Operation: For Human understanding, tho' it has not the impress'd patient Species of things or agent Sciences express'd from Nature, yet it has an innate Ideal Light, under whose conduct and influence it may without any danger of Error or Temerity give its Plenipotentiary assent to those Preliminaries of Rationality, commonly stil'd the first Principles known by the light of Nature, or Natural Mathematicks; and under the command of the same original Generalissimo of all the Forces and Allies of Reason, Human understanding may march on further and infer one thing out of another, sometimes clearly and certainly, and sometimes only probably, by its complicated reasonings; and sometimes also it is impower'd and enabled to comprehend things with one serene view and intuitive aspect.

The Seventh Observation is, that the perfect attaining or acquisition of a Science is Twofold; either perfect as to its own or one kind; or else absolutely and exquisitely perfect in all respects and considerations whatsoever: Now that Science is to be thought absolutely first in order of Learning, which treats of the most ready and obvious things, and most easy to be understood, as the Mathematicks, which nevertheless are said by the *Pythagoreans* and *Plato* to be the medium or mixt or middle discipline between the Natural and Divine Sciences, in order of Abstraction from matter; since Natural studies consider those things which are not abstracted either in Thought or Deed; and the supernatural Contemplation ruminates upon things Elevated above matter, both in Thought and Deed; but the Mathematicks between both, speculates such things that are consider'd as without matter in Thought, but which are with matter in themselves and in reality; yet in the order of Teaching and method of Learning, the Mathematicks are to be studied first: Though indeed the Studys of Nature seem to be the easier, in respect that Natural things are more obvious and nearer to

to the Senses than the Mathematical: But if those things that occur immediately to the Senses, are more difficult to be explained and understood, and requires more experience to be comprehended, than the things that are remoter and more hidden from the Senses, then these are to be learnt before those, as being the easier, though not the nearest to the Senses: Besides there be some Natural things that are more remote from Sense than the Mathematical; since the Essences of Natural things are far more abstruse and less sensible than Mathematical Quantity; though Quantity indeed is the object of Natural and Metaphysical as well as of Mathematical consideration, set after a different manner and under the several distinct Three forementioned Abstractions of Thought from matter and substance: For Natural Philosophy considers Quantity as 'tis the property of a being subject to Motion, and the foundation of all sensible Accidents: Metaphysick contemplates Quantity only in as much as Being in general is divided into its Ten generical kinds: The Mathematicks do speculate some proprieties and dispositions which inseparably and absolutely belong to Quantity, such as, equal and unequal, redundancy and deficiency, commensuration and proportion, with such like, which are enumerated by Aristotle in his Third Book of Metaphysicks, Chapter the Third, toward the end, in these Words: Ἐπεὶ ὅτι ἐστὶ καὶ ἀριθμῶς, ἢ ἀριθμὸς ἴδια πάθη οἷον ποσότης, ἀρτιότης, συμμετρία ἰσότης ὑπεροχή, ἑλλειψις, καὶ τὰντα καὶ καθ' ἑαυτὸς καὶ πρὸς ἀλλήλους ὑπάρχει τοῖς ἀριθμοῖς, ὁμοίως δὲ καὶ συνεχῶς, καὶ ἀκινήτῳ, καὶ κινημένῳ, ἀβαρεῖ τε καὶ βαρεῖ ἔχοντι, ἔστιν ἕτερον ἴδια. — καὶ διὰ τὸ τοῦ ἐπὶ τῷ γεόμετρου θεωρεῖσθαι πῶς τὸ ἐναρμόνιον καὶ τέλειον ἢ ἐν ἢ ὄν ἢ τούτων ἢ ἕτερον, ἀλλ' ἢ ἐξ ὑποθέσεως. *Ibid.* p. 1266, 1267. tom. 2. Edit. Geneva, 1606. So that the innumerable Comparisons and situations in General are the object and subject of Mathematical Contemplation, and other things only by Accident or supposition, insomuch that the

Old original Pythagorean Mathematicians considered all Quantity, either as Discrete and divided, such as Numbers, or as one continued Quantity such as all Magnitudes; and consequently they distributed all the Mathematical Sciences into Arithmetick, Musick, Geometry and Astronomy; which consider the foresaid Discrete or conjoyn'd quantity, either in order to themselves apart or in reference to something else. But the Ancient Greek Mathematician Geminus and others, to be seen in Proclus 3 Commentary upon the first Book of Euclid, Printed in Greek, 1533. and in Latin by that Learned Venetian Nobleman Francis Barocius, at Padua, 1560. do partition the Mathematical Disciplines, into Two Spiritual or Intelligible ones as considered separated from all matter, viz. Arithmetick and Geometry; and into six sensible or corporeal'd disciplines as conversant about the Senses and material or practical things, viz. Astrology, Perspective, Geodæsy or Gaging, Canonical or Musick, suppurative or practical Accounts, and Mechanick or Poetick Machines and Engines.

Though the Mathematical method of proceeding first from the most simple, single and easy principles, not denyable by any rational Person in his senses or reason, and then from those self-evident foreknown Principles, it infallibly deduces its Axioms, Postulats and Definitions, with the rest of the consequential Mathematical Superstructure of Propositions, Problems, Corollaries, Lemma's, Theorems, Praxis, Scholia's, Porisms, Demonstrations, &c. be excellent, yet there's one John Daniel Major's Book stiled, *Genius Errans, sive de abusu in Scientiis*, in 8. Kilie, 1678. which tells us of a better Method, viz. to begin with the Historical part of every Science, that is, to know its Origin, the Names of the first Inventors and Improvers that ever Treated thereof. Accordingly we may observe out of Genesis and Josephus, l. i. c. 3. who were the first followers of the Mathematical Observations.

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WHEN the Greek Historian *Diogenes Laertius* will inform us, that the first of the Seven Wise Men of Greece, call'd *Thales Milesius* (who liv'd about 600 Years before Christ) brought with his Philosophy out of Egypt, Seven Mathematical Propositions, viz. 5th. 15th. and 26th. of the first Book of *Euclid's* Collection of Elements; and the 2d. 3d. 4th. and 5th. of the fourth Book; for the finding out of the last, he is said to have been so Transported as to Sacrifice an Ox. Next *Pythagoras Samius*, began first to abstract the Mathematical Notions from any consideration of mix'd matter; and found out the Propositions, 44, 48, 32, and 47 of *Euclid's* first Book, for joy of discovering the Two last, he is reported to have sacrific'd a *Hecatomb*: He likewise invented the *Incommensurable* Magnitudes, and the 5 regular Bodies; and was the first that open'd publick Schools to Teach others. Then follow'd *Anaxagoras Clazomenius*, mention'd by *Plato*, in *Amatoribus*. *Oenopides Chius* found out the 12th. and 23d. of *Euclid's* Collection of Propositions. *Briſo*, *Antipho*, and the famous Chian Physician *Hippocrates*, are blamed by *Aristotle* for trying at the Quadrature or square of a Circle: The same *Hippocrates* invented the duplication of the Cube, by Two proportionable middle ones. Next succeeded *Theodorus Cyrenæus*, *Plato's* Master, *Cratesus* and *Democritus Milesius*, who is said to have writ many things concerning the *Irrational* Lines, Solids, and Numbers. There were Thirteen more of the same time with *Plato*, famous Mathematicks, viz. *Leodamas*, and *Thasius*, who made use of the Analytick Method, first set on foot by *Plato* himself; *Theæteus* the Athenian,

to whom *Plato* inscrib'd one of his Dialogues, invented the *Inscription* of the regular Bodies, or five Solids; and the 10th. Proposition of the 10th. Book of *Euclid*; and writ a Book of Mathematical Elements; as did also *Archytas* the Tarentine, who invented a duplication of the Cube, to be seen in *Eutocius*; and a Pidgeon made out of Wood to fly: He commanded his Country's Army, and won five Battles. *Leon* the Disciple of *Neochides*, augmented *Hippocrates's* Elements, with others, for all the Parts of the Mathematicks. *Eudoxus Gnidius* discover'd all the Propositions of *Euclid's* 5th. Book, which is of Proportions; he writ also Elements, and was the first contriver of the *Astronomical Schemes* or *Hypothesis*, or Spheres and Globes. *Amyclas Heracleotes*, *Helicon Cyzicenus* and *Philippus Mendæus*, carry'd on the Mathematical Succession. *Dinostratus* and his Brother *Menechmus* invented the Conick Sections, and by their means, Two middle ones. *Xenocrates*, with his Master *Plato* and Disciple *Aristotle*, contributed very much to the Establishment of the Mathematicks: *Aristotle* answered a Young Man coming to be his Scholar, without any Tincture of the Mathematicks; Get thee gone, thou hast not the Ears or Handles of Philosophy. Read *Henrici Monantholij in Mechanica Aristotelis Commentaria*, Paris, 1597. Jo. *Blancani in Aristotelis loca Mathematica Explicatio*. Bonon, 1615. And *Bernardini Baldi Exercitationes in Mechanica Aristotelis Problemata*, Mogunæ, 1621. *Theudius Magnes* & *Hermotimus Colophonius* increas'd the Elementary Propositions. *Theophrastus*, *Aristotle's* Disciple, writ Two Books of Numbers, and Four of Geometry, and One of individual Lines. The Books of Solids are owing to *Aristæus*, *Isidorus* and *Hypsicles*. *Euclid* the Mathematician, whether the same

with the *Megarean* Philosopher is uncertain. writ Fifteen Books of Geometrical Elements, whereof the Two last were abridg'd by *Hypocles*, Printed in *Greek*, with *Theon* and *Proclus*'s Commentaries, in 1533. and in *Latin*, with *Campanus*'s Commentaries adjoyn'd to the other Two, in 1516. and in *Italian*, with *Nicholas Tartalea*'s Exposition, at *Venice*, 1544. and in *English*, with *Henry Billingsley*'s Explanation, *Lond.* 1570. His *Opticks* and *Catoptricks* were Printed, with the Interpretation of *John Pena*, *Par.* 1604. and Prospective in *Italian*, at *Livence*, 1573. *Euclid*'s *Phænomena*, were Printed in *Greek* and *Latin*, at *Argent.* in 8. 1572. His *Data*, with the Notes of *Claud Hardy*, *Par.* in 4. 1625. His Book of Divisions is thought to be the same sharp Book of the Divisions of *Superficies*'s, generally attributed to *Machometus Bandoninus*, Published by *John Dee* and *Frederick Commandin*, at *Pisaurum*, 1570. But *Euclid*'s Musical and Conical Elements are supposed to be quite lost. His Geometrical Elements had also been Printed by *Francis Flussas*, *Par.* 1566. and by *James Peletarius*, as to the first seven, at *Lyons*, 1557. and by *Frederick Commandin* at *Pisaurum*, 1572. and by *Christophor Clavius*, at *Col.* 1591. and by *Ambrose Rhodius* in *Latin*. in 8. 1609. and *Peter Ramus* would needs perswade himself and others, that those *Euclidean* Books be *Theon*'s productions. *Euclid* is taken to have liv'd about 300 Years before Christ. *Proclus* and *Geminus* say of *Euclid*, that *nusquam deceptus est*, he is no where deceiv'd. Innumerable Publications of those Elements (of *Euclid*'s finishing) have been made ever since in all Languages, forms and figures. About one Hundred Years after *Euclid*, came *Eratosthenes*, *Conon* and *Archimedes*, whose Works in *Greek* and *Latin* with *Eutocius Ascalonitas*'s Comments, were Edition'd at *Basil* 1544. and by *Fred. Commandin*, at *Venice*, 1558. who also published *Archimedes*'s Tract, of those things that are carry'd or weigh'd by, in, or with Water, *Bonon.* 1565. and at *Paris*, by *D. Rivalt*, 1615. and at last in fol. at *Palerma* by *Fr. Maurolianus*, Abbat of *St. Maria à Partu*, 1691. *Apollo-*

nus Pergens's Four Books of *Conicks* or *Geodæsy*, were Printed at *Bonon.* 1566. with *Eutocius* and *Pappus*'s *Lemmas*: Whereof the Two First of Plans were Commented upon by *Fran. à Schooten*, in 1657. and by *Peter Fermat*, in 1679, and 1679. and as I take it, both *Archimedes* and *Apollonius* had another impression in the same Year 1675. But our famous Professor of Mathematicks, *Edmund Halley*, Editioned at *Oxford* in fol. Eight Books of *Apollonius*'s *Conicks*, having found an *Arabick* MS. of the 5th. 6th. and 7th. with *Eutoceus*'s *Lemma*'s thereupon, in *Greek* and *Latin*: He supply'd the 7th. mostly himself; whereunto he added *Serenus Antissensis*'s Two Books of the Sections of the *Cylindar* and *Cone*, in *Greek* and *Latin*, never before Printed, 1711. Some ascribe the Two last Books of *Euclid*'s Elements to *Apollonius*, and abridg'd by *Hypocles*. Then comes *Theodosius Tripolita*, whose Three Spherical Books were Printed, with *Clavius*'s Notes, at *Rome*, in 4. 1585. and at *Argent.* 1572. in 8. in *Greek* and *Latin*; with his tracts, of Days and Nights, and of Habitation: Which Two last were also Printed at *Rome*, in 4. with *Scholias*, 1593. The last of the Three or Four and Forty of the abovemention'd *Greek* Original Mathematicians, in right of Succession, one after another, as to their time of living before Christ, is *Hipparchus* whose Three Books upon *Eudoxus*, and the Poet *Aratus*'s *Astronomical Phænomena*, were Printed at *Florence*, in 1567. with his Book of *Asterisms*; and afterwards in *Greek* and *Latin*, with other fragments of his 12 Books, *De subtenfis in Circulo*: Whereunto may be added, *Menelaus de subtenfis*, *Democritus*, *Philo*, *Diocles*, *Nicomedes*, *Sporus* & *Hero*'s Inventions about doubling the Cube, to be heard of in the abovemention'd *Eutocius* and *Pappus*, l. 3. p. 7. That *Heron* of *Alexandria*'s Curious Book of *Spiritallium*, was Translated into *Latin* by *Fred. Commandinus Urbinas*, and into *Italian* by *M. J. B. Aleotti*, Editioned at *Florence*, with the Addition of Four Theorems, to the same Curious purpose of Artificial Spiring or Spinning of Water-works, and such

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such like Spiritual motions, in the Year, 1589. and all re-editioned together at *Amsterdam*, in 1680. So that before Christ there were about 50 Mathematical Greek Writers in all, and about Ten Heathen Mathematick Authors, after Christ: viz.

Claudius Ptolomeus, who liv'd in the first Christian Century, and his excellent Mathematicks were Printed all, except his *Geography*, at *Bale*, in *Latin*, by *Schrekenfuchsius*, with Notes, in 1551. his *Geography* in *Greek* and *Latin*, with *Gerard Mercator* and *P. Montanus*'s additions, at *Franckfort*, in 1605; and before at *Venice*, 1548. in 8. with the *Italian* Exposition of *Sebastion Munster*. *Mercator*'s Edition was in 1584. His *Quadrupartite*, and Hundred sayings, were first Printed with Commentaries in *Latin*, 1493 and in *Greek* and *Latin* by *Joach. Camerarius*, at *Norimberg*, 1535. and *De Predictionibus Astronomicis & De Astrorum Judiciis*, *Gr. Lat. Franc.* in 8. 1611. and *De Speculis*, *Ven.* 1518. Much about *Ptolemy*'s time, *Plutarch* writ some Mathematical Problems, often Printed with the rest of his Works. *Ctesibius Alexandrinus* is said by *Proclus* and *Athenæus* to have invented the Suckers of Pumps: Next is *Geminus*, *Euclid*'s Scholiast, whom *Proclus* prefers before *Euclid* in some things. *Diophantus* was the first Inventor of *Algebra*, which has been very much improv'd by *Francis Vieta*, and *Renatus Cartesius*, and others. *Diophantus* was first Published in *Latin*, lib. *Arithmet.* & de Numeris Polygonis seu Multangulis cum Commentariis, at *Basil*, 1575. And under the Title of *Arithmeticonum lib. 6.* *Gr. Lat. cum Commentariis Gasperi Bacheti*, *Lutet. Par.* 1625. Much about the same time, one *Nichomachus* writ about Musick but not extant, as I know of; though I find Two Books of Arithmetical Doctrine attributed to one of that Name, in 8. The abovementioned *Serenus* liv'd about the same first or second Christian Centuries: As also *Theon*, whose *Greek* Comments upon *Aratus* and *Euclid* were Published with their respective Works, as those of *Aratus*, in 1500. and *Aratus*'s *Phænomena*, at *Florence*, 1567. and

Basil, 1570. and all his Works with *Grotius*'s Notes, at *Leyden*, 1600. *Theon*'s Comments upon *Ptolemy* were Printed in *Greek*, at *Basil*, 1538. I observ'd before how fillily *Peter Ramus* imagined *Euclid*'s Books properly belonged to *Theon*. In the 5th. Christian Century lived the last Heathen Mathematical Writer, viz. *Pappus Alexandrinus*, whose Two Books of Mathematical Collections (the Two first being interceded) were Edition'd by *Frederick Commandinus Urbinas*, at *Pisaurum*, in 1588.

In the mean time, there were Six or Seven Heathen Mathematical Writers, who are taken generally for Converts to Christianity. viz. *Julius Firmicus*, of the Fourth Christian Century, as well as *Sextus Empyricus*, and the often mention'd *Proclus* of the Sixth Century; and *Boetius* of the Seventh Century, and *Victor Capuanus* of the foregoing Century. *Sextus Empyricus*'s Works were Printed by the Learned *Henry Stephens*, at *Paris*, 1569. and in *Greek* and *Latin* at *Geneva*, 1621. *Julius Firmicus*'s Eight Books of Astronomy, were Printed at *Venice*, by *Adus*, 1501. and at *Bale*, by *Hervacius*, &c. About *Synesius*'s Mathematical exertions, see *Mr. Fermat* abovementioned. Of *Proclus*'s Learned Comments upon *Euclid* and *Ptolemy* (whom *Pliny* calls a Man above Nature) I have already observ'd what is necessary at present: Only we may further take notice, that 'tis thought it was this *Proclus* who with his Optick Tubes of Brass set fire to *Vitalianus*'s Fleet, that Besieg'd the Emperor *Anastasius* in *Constantinople*, if we may Credit the *Greek* Historian *Zonaras*, about the year 515. *Boetius*'s Mathematicks, Two Books of Arithmetick, and Two of Geometry, with Five of Musick, may be seen amongst the rest of his Works, Printed together, by *Henry Loret Glarean*, at *Bale*, in fol. 1546. and at the same place with Annotations and Comments, in fol. 1570. as also his Translation of *Euclid* into *Latin*; and for 800 Years after, there were no Mathematical Writers, till *Cardinal Cusanus*, and *John Regiomontanus*, a little before the Reformation.

But

But of all the Mathematicians that ever appear'd as yet in the World, none arriv'd to so great a Name and Fame as the great *Archimedes*. How worthy that prodigy of a Mathematical head is of the establish'd reputation he is for these many Ages in Possession of, is sufficiently attested by another Prodigy of Nature in a different way, I mean that Monarch of Natural Erudition and Human understanding, M. T. *Cicero*, who being the Roman Questor in *Sicily*, thought it not beneath the State-concerns wherein he was then employ'd, to take particular care to be well inform'd of that Monumental Place, where the living Tomb of *Archimedes* continually breath'd afresh, afore which there was erected a small Pillar, engraven with a Sphere and Cilinder elevated thereupon, with Six Greek Verses, which that Roman Orator took always care to refresh with a lively memory, so as to have them presently by heart, whereby he was put in mind of the Sphere and Cilinder erected upon his Sepulchre: But not being able to find it out by any of the Inhabitants of *Syracusa* (the Native Town of *Archimedes's* Birth and abode) he went himself accompany'd with the chief Magistrates and Citizens in quest of that renowned Monument every where about that City; and at last amongst a great deal of rubbage spy'd it out, cover'd with overgrown heaps which the great Questor order'd to be laid level for that purpose.

The Orator relates all these circumstances in his fifth Book of his *Tusculane Questions*, being to prove that fore-Christians point of Natural Divinity, That Virtue alone is solely sufficient for a happy life, even in this World: Wherein he seems transported with his own good Fortune for to have found out such precious remains of Antiquity, and to have brought to life again, as it were, to those Citizens, the most penetrating and famous of all their Inhabitants.

But those who procur'd the discovery and Edition of all his Works, have more essenti

ally contributed to the Glory of *Archimedes*, as well as to the advantage of the Mathematical Sciences, and the satisfaction of the Learned, than the Roman Orator did by the disclosing of his Tomb.

Our industrious *Sicilian*, *Maurolicus*, search'd them out with a great deal of care, and spar'd no labour nor time for the explaining of them with his learned Comments. But after his Death, his Writings fell into the hands of his relations, who made a present of them by way of recompence, to *Lorenzo di Thomazo*, a Doctor of Physick, who had been serviceable to *Maurolicus* during his Sickness.

When he had got them into his Possession, he presently intended to communicate them to the Publick, and was therein seconded by *Albert Fuccari*, Senator of *Messina*, where the Edition was accordingly begun, in the Year, 1670. But *John Alfonso Borelli*, who was entrusted therewith, by both *Fuccari* and *Thomazo*, having been suspected while he was a Printing of it, to have been concern'd in the Troubles that *Sicily* then lay under, he was advis'd by his Friends to make timely provision for his safety by retiring to *Rome*.

The Copies of *Archimedes's* Works being left at *Lorenzo di Thomazo's* house, they were seiz'd upon there amongst other things by the King of Spain's Officers, and transferr'd hither to *Palermo*, where our Printer *Cylenius Hesperias*, who got leave to view them, could scarce find any Compleat Copies, but with much ado, lit of One or Two, which were the Models of this Edition, bearing the following Front or Title.

Admirandi Archimedis Syracusani Monumenta omnia Mathematica, quæ extant, quorumq; catalogum inversa pagina demonstrat. Ex traditione doctissimi viri D. Fran. Maurolici Nobilis Siculi, Abbatis S. Mariæ à partu. Opus præclarissimum non prius typis commissum, à Matheseos verò studiosis enixè desideratum tandemq; è fuliginetemporum accuratè excussum, &c. in fol. Panormi. 1690.

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THIS *Archimedes* without all dispute was the greatest Mechanist and Master-Enginier that ever was: There be Four undeniable Instances of his Transcendent ability in that kind, as well as in the other parts of the Mathematicks: The first may be that which is attested by *Polybius* and *Plutarch*, in the life of *Marcellus*, who besieging *Syracusa* by Sea and Land, made use of Warlike Machines in the Trigonal form of a Musical instrument call'd *Sambuca*, something like a Harp, as *Vegetius* is of opinion, as well as *Vitruvius*, in lib. 6. c. 1. and l. 4. c. ult. And also *Andreas Panormitanus cum Athenao*, *Suid.* &c. But our *Archimedes* soon contriv'd counter tenors, which made nothing of drowning *Marcellus's* Roman Harpsicals, as that great General and Admiral was pleas'd to pass it off with a joak upon himself, saying, *Tὰς σαμβούνας αὐτῶν ἐκκρίζομενὰς ἐκ πύλης μετ' ἀσχυρῶνς ἐκπεπληγμένας.* That his Musicians were box'd and kick'd shamefully out of Company, like Blind Harpers, by *Archimedes's* Anti-concert, whereby the very Sea was drawn against his Ships, as *Polybius* words it, in lib. 8. §. 3. pag. 521. (*Geneva* Edit. 1608.) with such like facetious, as well as glorious Allusions, for the everlasting Honour and Renown of *Archimedes*; of whom 'tis further Panegyritz'd by the same Historical Statesman *Polybius*, in the fore-cited place, thus in the *Latin* Translation: *Itaque illi (Marcellus & Appius) cum tantos exercitus & mari haberent & terrâ, si quis unum Syracusis senem adimeret, urbe se confestim posituros sperabant; illo verò presente, ne accedere quidem audebant, eo modo quo Archimedi facultas ad defendendum esse poterat, &c.* In short *Marcellus* and *Appius* seeing there was no

hopes of ever taking the Town by open force, whilst *Archimedes* was in, to defend it, they concluded there was no other way left but to Block it up, and so Starve it by degrees, especially there being then a great multitude of People in that Town: Upon those hopes, *Appius* is left to command the Blockade, whilst *Marcellus* goes against the *Carthaginians*, &c.

The Second stupendious Engineering instance of *Archimedes's* universal Mechanism, is attested by *Galen* in his lib. 3. *De Temper.* pag. 144. *Tho. Linacri* Edit. *Lugd* 1552. whereby he burnt the Enemies Fleet with Caustick Tubes, which being fitted up for to concentrate Catoptrick Rays, and being plac'd upon a Dioptrick level of a due refraction, did dart out the reflected Rays with such a piercing violence, upon the combustible matter of the Ships, that the whole Navy was soon turn'd topsy turvy, from Convex to Concave, and on the contrary from Concave to Convex, in short Burnt and destroyed to all intents and purposes. And the great Mathematician *Proclus* is reported by *Zonaras*, in the Life of *Anastafius* the Emperor, to have imitated his Master *Archimedes* so well, as to have shot with Brass Tubes like Thunder, from the Walls of *Constantinople*, a certain Fire that he had light with the Sun rays; where-with at last he burnt and ruin'd a whole Fleet after the same manner as was hinted at before.

The Third Mechanick Miracle of *Archimedes's* Mathematical Transcendency, was his finding out how much Silver the Goldsmith had sophisticated into a Crown of Gold, made by the orders of *Hieronymus Syracusanus*, who suspecting that the Workman had cheated him, had enjoyn'd *Archimedes* to search into it; who whilst he was thinking of it, going to the Bagnio, casually

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took

took notice, that according to the quantity of his Body in the Bathing Vessel, so much of the Water did run over: Upon that, he had Two pieces made of equal Weight with the foremention'd Crown, one of Gold and the t'other of Silver, (this of Silver being of a greater bulk) and put both of them distinctly into a Vessel brimfull, and then measur'd exactly how much Water each of those pieces did press over: But the Silver piece did cast out most, as being of a bigger bulk. Then the Vessel being fill'd again, he put the Crown it self into it, and found that then more Water ran over, than when the piece of pure Gold had been plung'd in: And so gather'd out of the proportion of Water squeez'd over after that manner, that there was a mixture in the Crown of a lighter body, though of the same Weight, yet of a greater bulk, that is, of Silver; which was the thing sought for. From whence this Stathick Maxim sprung, viz. Of Two Solid Bodies of equal Weight, that which has most quantity, is of its own Nature the lightest; that which is of the least bulk is the heaviest; and on the contrary.

The fourth prodigy of *Archimedes's* Superlative Mechanism, was his Sphere which he made of Glas, wherein by the only circumversion or turning of it round, there were to be seen all the different motions of the Circles: 'tis supposed that the Poet *Claudian* alluded to this *Archimedean* Sphere, when he made this Distich.

*Percurrit proprium mentitus signifer annum,
Et Simulata novo Cynthia mense redit.*

'Tis no wonder then that *Archimedes* said, If he could have but space enough to place one of his feet out of the World, that he would turn the whole Machine of the Universe at his pleasure.

'Twas always observeable in this wonderfull Mathematician, that whatever he did or wherever he was, he could not refrain from continually practicing outwardly with his Hands, what he was inwardly plodding

in the Mechanism of his Brains: Infomuch, that when he could be prevail'd upon to go to the Bagnio for his Healths sake, as well as for decency and diversion, (according to the constant practice of those times and places) he could not forbear drawing of Figures and Schemes upon his own body, moisten'd at such a time with Oyl as well as Water: But that intenseness of his upon his Mathematical Studies, at last cost him his Life: For when the Roman Admiral *Marcellus* came back from the *Carthaginians* to the Siege of *Syracusa*, and at last Storm'd it with much adoe after Three Years Investment, though he had given strict orders to his Soldiers, when they were entring the Town, to spare and save *Archimedes*, who was at that dismal conjuncture so unconcern'd or rather so taken up with his Mechanistical Notions in drawing of Lines and Figures, with his Finger in the Dust, for want of a better conveniency, that when a Soldier perceiving him, (not knowing him to be *Archimedes*) and asking him what he was doing, and who he was, but he taking more care for his Figures in the Dust, than for his Life, he could not afford time to give the Soldier any other Answer, than to desire him not to disturb his Schemes, which he cover'd with his hand in the mean time, for fear of the Soldier's treading upon them and disfiguring them; but the Soldier taking him for a Madman, and himself to be slighted by such an impertinent Answer, as he thought, immediately kill'd him, who had with his counter-Engines destroyed a great many of them before. But the Roman General *Marcellus* resented it very much and bury'd him Honourably.

Such extraordinary operations of Mechanism and Mathematical Schemes, did always so astonish the generality of People, that they imagin'd those great Mathematicians to have Commerce with some Familiar Spirit, if not to be a sort of Deities themselves: Whence some did not stick to call *Archimedes* a kind of a Terrestrial God (*veluti Deus terrenus, apud C. Stephan. verb. Archim.*) And an Ancient Geometrician call'd *Agasbus Alex.*

Alexandrinus, was stil'd likewise *Demon Mechanicus*, a Mechanick Fiend or Spirit: Hence comes an Island in the *Indian Sea* of that Name, *ἀγαθὸ δαίμονος*, as may be seen in the old Geographer, *Stephanus Byzantinus*, in his Book *De Urbibus*. Which was the reason why some Heathen Philosophers writ against Mathematicians in general, as *Sextus Empyricus* in his Learned Books, *Adversus Mathematicos*, still extant; as well as some of the Primitive Christian Writers, who could by no means relish the Mathematicks; though indeed most of all their Discourses of that kind seem chiefly to strike at the Judiciary Astrologers, yet they could not much away with Geometry, nor the other parts of the Mathematical Arts, though ever so usefull for the improvement of Human Commerce with other Arts and Sciences; especially towards the declining Times of Christianity, a Mathematician was taken for nothing less than an Arch-heretick or a Conjuror in chief, or even a Demoniac fit to be conjured and allayed with Exorcisms; witness *Barlaam* the Monk, and *Bacon* the Fryar, with some others, who are scarce heartily forgiven by some Pious Souls to this very Day, the one for being an Algebrician and the other a Geometrician, Crimes great enough (God wot) in those Days for the Divine Vengeance of Fire and Fagot: Nay, *Bellarmin* in his *Chronolog. ad an. 999.* assures us, that even *Sylvester* the Second (of cursed memory) was generally condemn'd in that dark-ignorant Age, as a Necromancer, for this other reason, because he understood Geometry, and other Philosophical Sciences. But the Learned part of Christian as well as Heathen Antiquity, had a better opinion of Mathematicks, witness *Julius Firmicus Maternus*, *Synesius* Bishop of *Cyrenes*, *Victor Capuanus*, *Dionysius Exiguus*, *Boetius*, and other Christian Fathers, who were convinced of the usefullness of the Mathematicks for the improvement of all Arts and Sciences whatsoever, so far from thinking it an incompatible knowledge with the Christian Wisdom, as appears by their Works. And that Judicious Heathen Politician *Polybius*, in his

Histor. lib. 9. pag. 560. presses with a great deal of earnestness, all Statesmen, Generals and Officers, to get a competent knowledge in Geometry, and not to contemn even Astrology, and brings a great many Arguments for the same purpose. Besides, the Ancient method of the Education of Youth, was to begin with Mathematicks; as has been shewn already.

But of all the Performances of the Mathematicks, the Coynage of Money is the most material. Now Money, in its proper Sense, signifies a certain portion or piece of matter, whereunto Publick Authority or consent has given a certain Weight and Value, for to serve as a price or due equivalent for any thing passable or exchangeable, in the way of Commerce. Wherein must be consider'd the proper Terms belonging thereunto, the Order that's kept in the Essay, refining, and allay, or mixture of Metals, and in the fabrick or working of the Species, with the different Weights and Prizes, or Value, with the Matter, Form, Name, Volume, Figure, Grenetis, Legend, Millesim, Different or Characteristick, Point Secret, and the Mint or place of Coynage, Remedy or Grains of allowance to the Masters, Brassage or the Mint-Masters Articled or Indentur'd allowance, Seigneuriage or the King's Duty, Rendage or the Brassage and Seigneuriage together, Traite or the remedy of Weight and Alloy together, with Seigneuriage and Brassage, Emprance or the lessening of the Weight, Title, Cut, and proportion. The *French* likewise have another Term, which they call *Pied Fort* or the Fee of the Officers of the Money-Court or Court of Coynage, which was a piece of Gold and Silver Four times the Weight of a New Coyn, for the time being: As upon *Henry* the Fourth King of *France's* renewing the Coyn, that Quadruple Fee of the said Officers of the Mint, call'd *Pied Fort*, or strong Foot, or sure Footing, had this Legende, *Perennitati Principis Galliarum Restitutoris*. Or thus, upon some others; *Exemplum probati Numismatis*. But then that Quadrate was to have all the Weight and Alloy Title of the

the Species, without any of the Remedy or of the Six kinds of Emprance and worsting of the Value, which comprehends the price of the Metal, the Sovereignty and the Charge of Workmanship, call'd Brassage. The Metallick rate depends upon the Proportion between Silver and Gold, which amongst the Romans, and sometime in France, was Twelve, that is, Twelve Pounds of Silver were equivalent to One of Gold; but 'tis generally every where about Fifteen, especially in France, where one Mark of Fine Gold is worth Fifteen Marks of Fine Silver. The Price depends upon the Title, which is a Term importing the Fin, the Alloy, and the intrinsick Value or Goodness. The Form of Money consists in the Weight of the Species, in the Tally or Quantity, the Remedy of Weight, Impression, and in its Value. The Weight is the Standard of the Goodness of the Species; it being impossible that an Artificial or Counterfeit Metal should have the same Weight as the same quantity or such a piece or Volume of Gold or Silver. The Talley is the quantity of the Species fix'd by a Government, for to make the respective piece of Gold, Silver or Copper. The Value or rate includes the price of the Metal, the Seignuriage and Brassage. The Proportion is either of the matter in hand, or accidental, that is, either intrinsick or extrinsick.

The Weight call'd *Karat*, is half a Grain. *Karat* of Fine Gold is the Twenty Fourth Degree of Goodness of any Portion of Gold whatsoever. *Karat* of Price, is the Twenty Fourth part of the Value of a Mark of Fine or pure Gold; every *Karat* weighs but Four Grains, which is divided into half 4 s. and 8 s. A *Semelle*, weighs Twelve Grains, or Twenty Four *Karats* of Gold: That which represents Twelve Pence of Silver is Thirty Six Grains. The Deliverance is the Permission granted by the Judge-Guardians to the Masters of the Mint, to expose the Money newly Coyn'd, after it has been try'd and

found to be of due Weight and Title. The Judge-Guardians in France at the Deliverance take One of Four Hundred Pieces of Gold, and One of Seventy Two Marks of Silver, and put them into a Box or Coffe lock'd with Three Keys: And those Pieces are call'd, *Deniers de Boëte*: And the others, which are deliver'd out for Publick use or Commerce, are call'd. *Deniers courants*, or, Currant Money.

The *Denier* of Fineness or Pureness shews the Degrees of the Goodness of the Silver, commonly fixed or rated, as was said before, at Twelve. The *Denier* of Price, is the *Denier Tournois*, reckoned for the Twelfth part of a *Sol* or Penny. The *Dernier* of Weight, weighs Twenty Four Grains. The *Denier* of Coynage, is commonly said of a Species of Money of any quality whatsoever. More of the French Terms of Coynage and Money, call'd, *Greneris*, *Baux Generaux du Conseil du Roy*, *Baux particuliers de la Cour de Monnoyes*, *Fait-fort*, *Fort fait*, *Commis à la Regie*, *des Regies de Monnoyes*, &c. *de dix Sols par Marc pour l'Seigneuriage*. See a French Book entitled, *Traité des Monnoyes de leurs Circonstances, &c. Dependances*. Par, *Jean Boizard*, *Conseiller en la Cour des Monnyes*. In 12. d *Paris*, 1692. Wherein it appears that the Master of the Mint in France, was for a great while, even before the Year 1647. till of late Years, was, I say, obliged to make a strong Effort to pay the Kings Duty, viz. Ten Pence per Marc for what he had not Coyn'd, as well as for what he had, according to the Proportion of Three Thousand Marks, *l'Or portant l'argent*, &c. See Mr. *le Blanc*, sur les Monnyes de France, &c. *Thomas Broderi Bircherod* Jac. F. Specimen antiquæ rei Monetariæ Danorum, at *Copenhague*, 1701. And De veteris Numismatis potentiâ & qualitate, Lucubratio occasione Rubricæ Codicis de eodem argumento; five Cognitio totius rei nummaria Accessit Dissertatio Juridica de Nummo unico, &c. In 4. *Paris*, 1701.

The Grammar-Post,

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Vol. 2. p. 36. 127. to 154. Vol. 3. p. 2. to 16. &c.

Septemb. 1. New Stile.

I. M.



What's the first Step a Child or School-Boy, or any Learner is to take, for to learn his Book and Lesson, or School-Exercise, in order to become a real Scholar, with the least Truble imaginable?

D. The first Thing a Beginner is to think of, when he first take's a Book in Hand, is to learn from the Title-Page, Preface, Dedication, Argument, Summary, Context, Master, or Word of Mouth, these seven following Preliminary Notions, by the way of initiating Postulats or Demands. *viz.* (1) Who, what, whence, the Author or Writer is, and what the Subject or Matter is, that is spoken or written of? (2) What Language, Tongue, Dialect, Stile or Way of Writing is (or ought to be) made use of? (3) How first to accentuate or sound the Words, and then to understand them, or render the true Meaning, Signification, Construction and Connexion of the Words, Sense and Sentences: That is, how (1) to Read distinctly to a Stop, or Period; and if in Verse or Poetry, to read without any Regard to Numbers or Scanning, but only to the Stops or Sense; 2^{dly}, to Construer or Explain; and 3^{dly}, to Parse, Reason or Account for every particular

in the first full Sense or Stop, and so on Point by Point, to the End, or as far as one will. (4) That in the Learning of any Tongue or Book, there be three Degrees or Steps to pass thorough; that is, first, to read right: 2^{dly}, to interpret it into one's own native Language. 3^{dly}, to Translate or Compose one's natural Tongue into the Stile or Sense of any other Tongue or Book. (5) That the Words within one Stop or Point, generally make up a full Sense or Sentence one with another, and to be read, interpreted, explain'd and understood together. (6) That when ever two or three Words, that have the same Ending or last Letters be plac'd near one another, 'tis generally a Sign that they belong and depend one of another, as to their Signification, Relation or Construction; and that they must commonly be read, construed and pars'd one with Reference to another. (7) That a Beginner ought not to be discourag'd or go back or stop at any Difficulty, that he can meet withall in the Learning of any Book, Language or School-Exercise, but every difficult Word, Expression or obscure Sence, or any thing else hard to be understood or proceeded in, should be writ down in a Paper Book, and left to further Time, Leisure, Interval,

val, Consideration, Attention, Application, or Proficiency: as also all other Words, Expressions or Occurrences in Reading, Studying, Writing or Speaking, that are any ways remarkable for their Obscurity, Difficulty, Singularity, Novelty, Unusualness, Accuratness, Elegancy, Energy, or any other observable and taking Quality or Usefulness, are to be recorded not only in one's present Memory, but also to be mark'd down in a Note-Book for that Purpose, as a standing Memoir, and a lasting Record, to be produc'd in Evidence as Occasion shall require.

2. The next Step is, to take an Ichnographical View of a Bibliographical Miscellany of Christian Philology: such as, *Alex. Dickson* De Memoria virtute. Lond. 1583. 8vo. *Anonymus* A Help to Memory and Discourse. Lond. 1620. *Tho. Murner*, Chartiludium Logicæ, seu logica Poetica vel Memorativa, cum Notis *Joan. Balesdeni*. Paris 1629. 8. *Hieron. Marafiotus* De Arte Reminiscenciæ per loca & imagines. Venet. 1602. 8vo. *Adam Bruxius*, Simonides Redivivus seu Ars Memoriae & Oblivionis, tabulis expressa. Lips. 1610. in 4to. *Schenkelii* Detectus seu Memoria Artificialis. Lugduni, 1617, 8vo. *Gul. Meieri*. Cursus Ingeniarius. Francof. 1621. *Lippus Brandolinus*, De ratione scribendi, Colon. 1573. 8vo. *Peter Bales*, the Art of Brachygraphy, and the Order of Orthography and Key of Kalygraphy. Lond. 1597. 8. *Will. Folkingham's* Brachygraphy, or the Art of short Writing. Lond. 8vo. *Juliana Barnes*, Of the Gentleman's Academie, 1595. 4to. *Everard Bronchorst*, De Privilegiis Studioforum, Professorum & Doctorum. Lugd. Bat. 1621. *Christian Liebenthal*, De Privilegiis Studioforum. Rintellii, 1629. 4to. *Humph. Baker*, Well Spring of Sciences. Lond. 1617. 8vo. *Hortens. Baptista*, De eum Universitate, Rom. 1594. *Jo. Angelus à Sumera*, Thesaurus Linguarum, Part. 3. Ingolstadt. 1626. 4to. *Jacobi Martini*, Pœdia, seu Prudentia in Disciplinis Generalis. Wittenb. 1631. 8vo. *Idem*, De tribus Elohim, lib. 3. 1614. 8vo. *Hen. Nol-*

lii Trias Scholastica Disciplinarum Generalium. Francof. 1625. 8vo. *Jani Gruteri* Thesaurus Criticus, vel Lampas Artium Liberalium. Francof. 1602. tom. 4. in 8. Ejusdem, Facis Liberalium Artium, Tom. 5. Francof. 1605. 8vo. Supplem. ad Tom. 3. Lamp. Liberal. Art. Franc. 1606. 8vo. Facis Lib. Art. Tom. 6. Franc. 1607. 8. Ejusdem, Tom. 7. Franc. 1623. 8. *Jo. Combachii* Liber, De Homine, Casu, & Divinationibus. Marpurg 1620. 8vo. *Pierre l'Anglois* Tableaux Hieroglyphici des Egyptiens. Paris 1584. 4to. *Ja. Hepin* de Arte Concionandi. Lond. 1570. 8. *Jac. Peresius*, De Ratione Concionandi. Ant. 1598. 8. *Franciscus Cameranus*, De Theologiâ & Poësi, & rectâ in Deum Scansione, cum Parænesi ad Paganizantes. Venet. 1603. 8. *Joan. Niesi*, Adolescens Europæus, ab Indo moribus Christianis informatus. Dilingæ 1629. 8vo. *Ant. Balinghem*, Ζωνοειδεια, seu Morum à Brutis petita Institutio, & Congressus Pomeridiani contra cibi potûsque Intemperantiam. Colon. 1620. 8vo. Ejusdem Scriptura Scacra in locos communes Morum digesta, Tom. 2. Duaci, 1621. Ejusdem, Pia mentis in Deum libratio per breves Orationes. Antwerp. 1624. 8vo. Ejusdem, Thesaurus Orationum Ejaculatoriarum. Colon. Agrip. 1626. 8vo. *Joan. Casæ Galatæus*, De moribus & amicitia inter Potentiores & Tenuiores. Edit. Haneveræ, 1603. 8vo. Principes Physiques de la Raison & des Passions des Hommes. Par Mr. Maubec. In 8vo. à Paris, 1708. 8vo.

Benedicti Ceruti, Musæum Calceolarium, Veron. 1622. *Balduinus*, de Calceo; & *Nigronius*, de Caligâ veterum: accesserunt ex *Quinti Septimi Florentii Tertulliani*, *Claudii Salmasii* & *Alb. Rubenii* ejusdem Argumenti &c. Oxon. 1667. *Jacobi Bifrontis*, *Rhæti*, De Operibus Lactariis, Epistola. Extat cum Magiricâ *Jodoci Willichii*. Tiguri, 1562. in 8vo. *Gulielmiadæ Græcia* in Nuce. Lips. 1628. *Claudius Badellus*, De Conjugio Litteratorum. In 8. Lips. 1581. *Petri Bacherii* Jurgium Conjugale. In 4to.

Gau-

Gandavi, 1585. Mr. *Guillaume*, Le Voyage en l'autre Monde. In 8. à *Paris*, 1612. *Jo. Guillemard's* Combat between Man and Death. In 8°. *John Gore's* Way to be content. *Lond.* 1634. in 4to. *Joan. Pierius*, De Literatorum infelicitate. *Venet.* 1620. in 8. *Theoph. Spicelii*, Infelix Literatus Labyrinthis & miseriis suis curâ posteriore ereptus. *August. Vindel.* 1679. Ejusdem Felix Literatus, ex Infelicitum periculis & casibus &c. *ibid.*

3. M. What is the chief Object and Subject of Human Understanding or Learning?

D. The whole Complex or Knowledge of all the liberal Arts and Sciences; which are divided into Philology, Mathematicks, Mecanicks, Physiology or Philosophy, Physick or Medicine, Law or Policy, Godliness or Divinity.

M. In what Order are those liberal Arts and Sciences to be learnt?

D. In the same as they are set down. For, as to the Philological Studies of different Languages and their Polite Styles or Turns, 'tis self-evident that one or more Tongues must be the first thing that can be learnt.

4. M. Which is the best Book or Method to learn Philology or the Languages by? that is, what's the first Book to be learnt?

D. The Holy Scriptures and the Word of God, in and with the several Translations and Explanations thereof, are doubtless sufficient for the Learning of all Languages, liberal Arts and Sciences; as may be fully demonstrated, by the Authentick Evidences given in this Case, by the following Vouchers: M. *Stattius Buscherus*, in his, *Parænesis monstrans quàm turpiter Christianismus cum Ethnicismo in Educatione Juvenili commisceatur.* *Luneburgi*, 1628. in 8. *Georgii Buscheri* Dissertatio de Usu Artium dicendi. *Hamb.* 1611. *Edward Breerewood*, formerly Astronomy Professor of *Gresham-College London*, in his, *Enquiring touching the Diversity of Languages and Religions through the chief Parts of the World.* *Lond.* 1614. in 4to. *Jacobi Usserii* Archi-

episcopi *Armacani*, *Historia Dogmatica Controversiarum inter Orthodoxos & Pontificos, De Scripturis & Sacris Vernaculis.* In 4to. *Lond.* 1693. *Biblia Sacra Polyglotta, Editionis Briani Waltoni, Episcopi Cestriensis*, in fol. tom. 6. *Lond.* 1657. *Dissertations sur les Prologomenes de Walton.* in 8vo. à *Liege* 1699. *Heliae Hutteri*, *Novum Testamentum in 12 Linguis*, Tom. 2. *Noriberg.* 1599. *Sacra Scripturae Elocutiones*, per *Jacobum Gauschelum*, *Basil.* 1546. *Harmonia Mundi & Problemata Sacrae Scripturae.* *Paris*, 1545. and 1574. *Zacchariae Rosenbachii*, *Moses Omniscius*, *Francof.* 1633. 4to. *Ludovic. Thomassin*, *Glossarium Universale Hebraicum, quo ad Hebraicae Linguae fontes, Linguae & Dialecti penè omnes revocantur.* *Paris* 1697. in fol. *Thom. Fa. ab Almeloveen* *Opuscula, sive Antiquitatum è Sacris profanarum specimen — & Plagiariorum syllabus.* In 8vo. *Amstael.* 1685. *Christiani Wormii Wilb. f.* *De Corruptis Antiquitatum Hebraeorum apud Tacitum & Martialem Vestigiis.* In 4to. *Hafniae*, 1693. *Th. Fa. ab Almeloveen*, *Amœnitates Theologico-Philologicae, in quibus varia sacrae Scripturae loca, ritus prisca & inedita quaedam, & Plagiariorum syllabus altero tanto auctior.* In 8. *Amst.* 1694. *Mosaicarum & Romanarum Legum Collatio.* *Basil.* 1574. *Noctes Theologicae, ceu, Dissertationes, ex quibus alias scientias Theologicae ancillari colligere sit, ipsamque illis praelucere.* Auctore, *S. Barfsac*, in 8. *Paris* 1697. *Caractères tirez de l'Ecriture Sainte, & appliquez aux Mœurs de ce siècle.* In 12. à *Paris* 1698. *Essais de Physique, prouvez par l'Ecriture Sainte.* In 12. à *Paris* 1684. 2 Tom. *Le Monde naissant, ou l'Histoire de Moyse.* In 12. à *Utrecht* 1685. *Samuelis Reyheri*, *Juris & Matheseos Professoris publici, Mathesis Mosaica, sive loca Pentateuchi Mathematica, Mathematicè explicata, cum Appendice aliorum S. scripturae locorum Mathematicorum,* In 4. *Kiliae Holsatorum* 1679. *Tempio di Salomone, da Monsignor Caramuele Vescovo di Vigevano,* in fol. 3 Vol. à *Vigevano*, 1678. *Entretiens*

tiens sur ce qui forme l'honnête Homme, & le vrai sçavant. Par Mr. de Levelel, in 12. à Paris 1790. La Science Ecclesiastique suffisante d'elle même sans le secours des Sciences profanes. Par M. Carrel, in 12. Lyon 1700.

Joan. Niefs Alphabetum Christi, Dilingæ in 8vo. 1624. & Alphabetum Diaboli, in 8vo. *ibid.* Alphabetum Curiositatis. Duaci 1625. per Hubertum d'Asfouleville. Joh. Jonstoni Thaumaturgraphia Naturalis. Amstelod. 1632. in 8vo. Danielis Angelo-Cratoris Epitome Conciliorum ab Incarnatione Christi, usque ad Dordrechtanum, cum Epitome Academicorum & Scholarum per totum Orbem. Francof. 1620 in 4to. Sophonis Hassenmulleri Scholarum particularium brevis designatio cum Scholâ Poeticâ. Noriberg. 1624. in 8vo. Gasparis Barlai Athenæum. Amstelod. 1632. Joan. Grammaticus de Differentiis Linguarum. Lutetia 1521. Bart. Holy. Technographia Artium 1630. Henric. Henriquez, Doctrina Christiana, lingua Malavar. Tamul 1579. Vocabulario y Grammatica en la Lingua del Peru, per Diego de Torres. Sevil. 1603. Vocabulista en Lettera Castellana. In 4to. & Arte de la Lengua Mosca de los Indios del nuevo Reyno de Granada. In 8vo. Blaise de Vigenere, des Chiffres. Par 1587. Laurentii Pignorii, Characteres Aegyptii. Francof. 1608. in 4to. Theatrum Ingenii Humani, sive de Cognoscenda hominum indole, & secretis Animi Morbis, Lib. 2. Amstelod. 1633. Scipionis Agnelli Disceptationes de Idæis, in tres Libros distributæ. Venet. 1615. in 4to. Barlamont, Les Devis familiers 1587. 8. Christiani Weisii Hodiernorum Politicorum, sive de argutis Inscriptionibus, Lib. 2. in 8. Jen. 1687. Nicolai Sufii, Opuscula Literaria, sive, De Stylo, Liber. Antwerp. 1620. 8vo. &c. Joannis Georgii Grossii Compendium Medicinæ ex Scripturâ Sacra depromptum. Basil. 1620. in 8. Didacus De Medrano, De Consensu Conjugali. Lugduni 1609. 4. Ant. Pitifilius, De Instruendo Principe. Neapol. 1603. Barth. Pitifci Idæa Concionum. Francof. 1606. Henricus Mediolanensis, De Controversiâ Hominis & Fortunæ, cum Comm. Cypriani à Popma. Colon. 1570. 8vo. Sebastiani Barralii Itinerarium filiorum Israël ex Aegypto. Antw. 1621. Our late Dr. Hody in his *Oriental Texts*, observe's out of other credible Vouchers, that the Learned *Conr. Pellianus*, of Luther's Christian Dispensation, learn't most of the learned Tongues and Literature, tho' very ignorant before in all Parts of Scholarship, only by his diligent Reading of the H. Scriptures alone, and conferring the sacred Texts together in several different Languages and Translations of the Bible. Which enabled him at last to write 6 Volumes of learned Paraphrases, and Christian Sermons and Criticisms upon the whole Scripture or Bible, from the Be-

ginning of *Genesis* to the End of the *Revelations*, in *Latin*. Tiguri, 1536. See more of the H. Scripture-Sufficiency, for to make the Greatest of Scholars in all the *Graduated* Respects of Human as well as Divine Knowledge and Understanding, in my *Athena Brit.* Vol. 3. Dissertat. upon Physick &c.

These and such Authors are not only unexceptionable Witnesses and Legal Evidences in this Cause, of Education and School-Learning, and of the Scripture-Sufficiency thereunto, but also may prove congruous Guides and Pilots in School-Voyages and Education-Marches, according to the Preliminary Treaties of Authentick initiating Idæas, as well as according to the Stathick Laws of the Original and progressive Degrees of Motion, within the Circumference of Schools and Studies, to the Centure of Education and Learning, by, with, and in the H. Scriptures.

This unartful Mixture of Authors may prove the most artful Introduction of all to Beginners or Students, and the most skilful Amusement of any, for the Bookish and Curious: especially if this seemingly careless Way of Summoning the Evidence of Books, & different Subjects of Learning, be taken for an Analogical Representation of the confus'd or undistinguish'd Idæas of the World of Authors, as well as of the Multiplicity of the Schemes of Learning, which Scholars are to go thorough and to reunite, or to review, by the necessary Means of the long Optick-tubes of Labour and Study, e're they can discern and distinguish all the Constellation-Objects, that make up the Galaxian Way, which lead's to the Highth of the Empyrial Starry-Poles of complete Literature. Nimirum, *lux hac oculo Indulgentior: albet Semita; multiplici manatque è fideve Candor. Libri collatâ jaculantur luce nitores innumeros; aciem nec lædit inhospita Lampas: Lætescunt ignes Authorum. hic figite ocellos.* In order to a further Discovery of other imperceptible Constellations in that Milky Way of innumerable other fit Books and Authors, fix also and secure these bright Luminaries: viz. *Chr. Warlitzii Disquisitio Medico-Sacra de Modestâ Scripturæ in rebus verecundis.* Witteberg. 1702. 4to. De Bibliothecis, in 8. *Ultraj.* 1680. *Joh. Jac. Hoffman* Lexicon Universale, in fol. Geneva, 1677. *Jo. Kern*, Epistola, De Vita, Obitu scriptisque, Dr. *Th. Ittigij.* Lips. 1711. *Th. Bartolini*, De Libris legendis Dissertationes. In 8. *Hag. Com.* 1711. These were first printed in 1676. a little after the Learned Author had his own Choice Library burnt, but he was prefer'd by the K. of Denmark to be his Library-Keeper. The Editor Mr. *Meuschen*, in his long Preface, declames against those who are troubl'd with Bibliomanie, or, of having too many Books: that is, who will neither read them themselves nor let any Bode else; at least not without the stale Ceremony of Recommendation.

LONDON, Printed for MYLES DAVIES, the Author of this and *Ath. Britannicæ*,
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The Grammar-Post,

W I T H

The FRENCH-JOURNAL, Or, Childrens-News-Paper, to Learn *French* and other Languages by.

The First Lesson.



W H A T is Grammar ?

'Tis a knowledge or method to Speak and Write well. *How many Parts of Grammar ?* Four, viz. Etymology, or the Invention and Derivation

of Words : Tecnology, or the alteration and variation of Words into their several different last Letters or endings : Syntax, or the right way of putting Words and Sentences together : And Fourthly, Prosody, or the right uttering and sounding of the Words.

How many Parts of Speech, or sorts of Words be there ? Eight, viz. *Noun*, or the Name of any thing ; *Pronoun*, or a little Word that stands for a *Noun* sometimes ; *Verb*, or a Word that affirms or denys something ; *Participle*, or a Word that contains something of a *Verbal* signification, and the declining or varying the last Letters or endings, like a *Noun* or *Pronoun* : And these First Four Parts of Speech are call'd *Declin'd*, because they alter or vary their last Letters or endings, according to the different and casual or occasional circumstances of their several significations.

The Four other parts of Speech, said to be *Undeclin'd*, have no such Occasional changes of their endings or last Letters of Cases or Declensions, or Conjugations, or Moods and Tenses : viz. *Adverb*, a little Word commonly joyn'd to a *Verb* : *Conjunction*, another little Word commonly going before a *Verb*, as an *Adverb* generally may or ought at least to be placed before a *Verb* in signification : *Preposition*, being a little Word, set before a *Noun* or *Pronoun* : *Interjection*, is a small Word or Natural sound, representing some

sudden Passion, or *Accident* : One *Interjection* is a kind of a Sentence of it self.

As 'tis to be suppos'd that the first Learning to read in ones own Language, was mostly and chiefly out of the Bible, so the Learning of all other Languages ought to begin and end with a constant use of the same Holy Scriptures, in the respective Tongues.

M. Which is the easiest and shortest Method to learn the *French* Tongue, in a little time, so as to be able to Speak it exactly Gentleman-like, as well as to understand and write it correctly, Scholar-like ?

D. The quickest and best, or most solid way of attaining any liberal Art or Science, as well as Language, is to converse much with proper Persons and Books, especially the latter : For many have learnt a Language by roat or by Speaking only, which they soon forgot, when their Tongue-Engine ceas'd to have the opportunity of Talking, without any further retainment, no more than improvement. But the frequent Converse with books, is a continual Exercise to the Tongue and Writing faculty (by reading it to one self and others, and by seeing how 'tis Writ or Printed,) as well as to the understanding and Memory. So that, a proper Book to a Learner or Retainer, is what Fewel is to Fire, or a Water-Plug to the Engine. Now as to the *Latin* and *French*, or any other Language in particular, by this method of Three or Four Half Sheet Grammatical News-Papers one may be easily Taught it, even almost without a Master.

The Second Lesson.

The true Genuine and Gentel Pronunciation of the *French* Tongue, being the only or greatest difficulty for *Forreigners*, especially

ally the *English*, in Learning that modish and even necessary Language, there has been propos'd a New Scheme of the exact Familiar and Court-found or Harmony of that ingenious and almost Universal Tongue, and in particular for the *English's* more easy mastering of it, as an encouraging Omen of their speedy reducing the *Whole* of all Languages, Arts and Sciences, and thereunto belonging. 'Tis comprehended in an Alphabetical Table of all the *French* Characteristick Pronunciations of their Letters and Syllables, according to the *English* Ear and Foreign Key of Familiarizing the Genteel *French* Court-Accent, to *English* Masterhip of this and other Tongues, Arts and Sciences.

This New method for attaining to the present modish Pronunciation of the *French* Tongue, premises or supposes these following *Prologomena*, as certain standing rules or Postulats or Axioms. 1. That the Letter or breathing Cypher (H) is to be founded with every Letter in *French*, and especially instead of those Letters that are left out or not founded. 2. That the last Syllable of every *French* word is to be founded loud and sharp, without any *Cadence* or fall of the Voice flat, but with an hollowness of the Mouth and Nose, as if one was going on still to Speak, Scold or Wonder at what is said or to be said. 3. That every Vowel in *French* is to be founded as if it were Two or double, with a certain openness or breathing of the Lips and Nostrils, thus: *Awbb, abh, eebb, oobb, yeubb, eebb, a, e, i, o, u, y*. 4. Consonants in the latter end of Words are not Pronounc'd, whether one or more, generally speaking; except the next Word in the same Sentence or stop, begins with a Vowel, and then both Words are to be founded together, as if both the Words were but One, or shortuen'd by an Apostropha or Apocope or Syncope or Synalepha: Except also, the Four liquids (*l, m, n, r*) which generally are founded in the end of Words, (as if the Letter (g) was after the (m) or (n) in the end of words) more or less, as they often liquifie or dissolve into some other Letter or sound.

5. The *French* Alphabet is to be Pronounc'd as if the several Names of the Letters were

Written thus according to the *English* Ear: *Awb, bab, sab, dab, ebb, ebf, fgeab, awsh, eeb, kawb, eabl, abm, eabn, oob, peab, quh, eabr, eabs, tab, ubb, dooubblubb, eebx, eebgreabh, zeabd, abh* (E) *eabt seahterhaw* (&c.) 6. Accordingly we must pronounce these *French* Words, *Dieu, Roy, Createur, Creature, Monsieur, Monseigneur, Sieur, mon ami, Madame, Mademoiselle, Voisin, Voisine, Cher, Enfant, embonpoint, eau, Maitre, Mellee*; as if they were Writ thus in *English*, *Dyeub, Rbwayb, Kbeawbturbr, Moowbthyeub, Moabnsfeybnbeeubr, Moabn awbmeeb, Mawbdawbm, Mawbdeabmwoaybseabl, Mawbmeabhzeabl, Vbwoaysin, Vbwoaybzeen, Sheabr awbnfshawbng, oob, Mbeabtr, Awmbobngpwoaybng, Mbeableab*.

7. We must distinguish Three different Pronunciations, or Tones, or Voices, or Accents, or Utterances, incident to, and us'd by most Tongues, but more particularly the *French*: viz. First, a *Clownish*, broad and coarse Pronunciation, Natural enough to all ignorant People, especially to the lonesome Inhabitants of Country-places or small Villages: The Second is a *Grave* Tone or utterance, which speaks the words mostly as they are writ, or as near the Natural sound of every Letter and Syllable, as the Genius or Custom of the Tongue can any ways bear with: This Pronunciation is or ought to be us'd more or less, by all Persons that speak or read in Publick Assemblies; because a common Auditory is presum'd and to be suppos'd to have for its greatest Number, Persons either illiterate, or dull, or ignorant. The Third Pronunciation is the brisk and quick Accent or utterance of Scholars, Courtiers, Soldiers, Towns-people, and the Genteel part of all sorts, which consists mostly in *Abbreviating* or cutting off Syllables, Words and Sentences, as much as Etymology and Orthography can possibly allow, or permit. Here is to be added the constant reading of *Esop's Fables*, in the respective Tongues or Languages.

The Third Lesson.

The Title of this New Method runs thus: *La Bibliotheque Francoise, De l'Art de parler dressée pour la Jeunesse Angloise; partagée en quatre*

quatre cotex ou colonnes ; scavoir, en celle du gue ; ce qui continue depuis, tantôt sur le coté, tantôt sur le haut, tantôt au milieu, quelques fois sur le bout de la langue. Ces lettres sont comme une broderie d'un gros fil blanc, quelques fois elles sont comme une grosse soye rouge. Le dimanche après la Tous saints, il a paru un C & deux OO : Le mardis un D, un O, & un C : Le mecredi, un O & un E : Le jeudi, un O & un E : Le vendredy, un A : Le samedi, un M : Le dimanche, un M. COODOCOEOEAMM. L'enfant n'aura que deux ans le 23. Decembre prochain ; il parle fort bien, & cela n'empêche pas de manger. Ces lettres changent la nuit imperceptiblement : Quelques fois elles sont comme des lettres moulées, d'autre fois Italiques, quelques fois lettres rondes & toutes bien faites.

Leçon the Fourth.

Next must be set before a Learner, Alphabet Ingenieux, Ou, Method tres particuliere, pour apprendre à lire en peu de jours. Par Jean Mouliniere & Pierre Gobain, Maitres Ecrivains jurez de la ville de Bourdeaux. In 8. à Paris, 1694. Une des plus grandes difficultes, qui fait de la peine à ceux qui aprennent à lire, vient de ce que les Syllabes ne sont pas composées d'un nombre egal de lettres, qu'il y en a plus dans les unes & moins dans les autres. Cette difficulté est levée dans ce nouvel Alphabet : dont l'artifice consiste en ce que les Syllabes y sont distinguées par un trait Horizontal, & les mots separés les uns des autres par des lignes perpendiculaires. Par ce moyen, ceux qui veulent apprendre à lire, & qui ont déjà un peu de jugement, reconnoîtront aisement les Syllabes, qui composent les mots, & les mots qui entrent dans le discours.

L'Art d'écrire, ou, le moyen d'exceller en cet Art sans Maitre. Par le sieur Alais de Beaulieu. à Paris, chez l'Auteur sur e Quay des Orefevres, 1681. La perfection de cet Art, dont on fait aujourd'hui tant de cas, consiste, suivant l'Auteur, en quatre choses ; scavoir, la disposition, la forme, la liaison & l'ordre. Il établit ladessus, des principes, il propose des Maximes, & il donne des observations & des avis, sur ces quatre Chefs : & comme il fait consister la disposition à avoir le corps & la main en situation pour former toute sorte de traits de plume, que la forme & la liaison des Lettres dépendent des lignes courbes, droites, deliées & pleines, liées ensemble diversment,

quatre cotex ou colonnes ; scavoir, en celle du gue ; ce qui continue depuis, tantôt sur le coté, tantôt sur le haut, tantôt au milieu, quelques fois sur le bout de la langue. Ces lettres sont comme une broderie d'un gros fil blanc, quelques fois elles sont comme une grosse soye rouge. Le dimanche après la Tous saints, il a paru un C & deux OO : Le mardis un D, un O, & un C : Le mecredi, un O & un E : Le jeudi, un O & un E : Le vendredy, un A : Le samedi, un M : Le dimanche, un M. COODOCOEOEAMM. L'enfant n'aura que deux ans le 23. Decembre prochain ; il parle fort bien, & cela n'empêche pas de manger. Ces lettres changent la nuit imperceptiblement : Quelques fois elles sont comme des lettres moulées, d'autre fois Italiques, quelques fois lettres rondes & toutes bien faites.

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In the Second side or Column of this New method, is plac'd, Le Cabinet des Enfans & Dames Scavantes. Wherein there's put First, Extrait d'une Lettre écrite à Tours, le, 10 Novembre 1697. Je vous prie de trouver bon, que Je vous parle d'un petit neveu, que J'ai, fils de mon frere Louis Corbeau, & qui porte le meme nom, à qui nous avons vu des l'age de deux mons & demie, des Lettres sur la lan-

versement, & qu' enfin l'ordre veut la rectitude & distance des mots, des lignes, & des Lettres, avec un caractère propre au sujet, Mr. ALAIS descende jusqu' au détail des plus petites choses qui regardent ces quatre points, & il le fait avec tant d' exactitude que ceux de cette profession avouent eux-mêmes que nous n' avons encore rien vu de si beau ni de si excellent sur cette matière.

Tacheographie, ou, l' Art d'écrire aussi vite qu'on parle. Par le sieur C. Alex. Ramsay, Gentilhomme Ecossois. à Paris, chez l'Auteur, rue Dauphine. 1681. La difficulté qui paroît d'abord à se rendre familiers les Caractères, sous les quels cet Auteur renferme l'usage de l' Art Tacheographique, à rebuté bien des gens qui n' ont peut être pas fait assez de réflexion, que toutes les choses courent dans leur commencement. Cependant, quoiqu' il en soit, nous devons beaucoup toujours à cet obligeant Estranger qui a voulu enrichir notre langue d'une méthode qui seroit sans doute extrêmement utile à toute sorte de gens de Lettres.

Lesson the Fifth.

A preparatory Method of Grammatical Examination.

How many things principally belong to a Noun *Substantive*? Eight. Which be they? Signification, Figure, (that is, whether a simple original word, or compounded and derived from some other word) Kind, Declension, Gender, Number, Case, Construction or Use.

How many Heads chiefly belong to a *Verb*? Nine. Which be they? Signification, Figure, Kind, Conjugation, Mood, Tense, Number, Person or Nominative Case, and Government of Cases.

How many parts appertain to a *Pronoun*? Ten. Which be they? Signification, Figure, Kind, Declension, Gender, Number, Case, Person, Substantive or Antecedent, Construction or Use.

How many Members are annexed to a Noun *Adjective*? Eleven. Which be they? Signification, Figure, Kind, Declension, Substan-

tive, Gender, Number, Case, Degrees of Comparison, Government of Cases, Construction or Use.

How many materials are included in a *Participle*? Twelve. Which be they? Signification, Figure, Kind, Verb, Substantive, Declension, Gender, Number, Case, Degrees of Comparison, Government of Cases, Construction or Use.

What's the main difference between an *Adjective*, *Pronoun*, and *Participle*? A *Pronoun* has its Substantive or Antecedent (with which it must agree in Gender, and Number, but not always in Case) generally understood or not expressed in the same Sentence, or placed further from it, at least in the Sense and meaning of it. But an *Adjective* and *Participle* have their *Substantive* commonly express'd and plac'd not far from them, with which they must always agree in Case, as well as in Gender and Number.

What's the difference between an *Antecedent* and a *Substantive*? None at all, unless it is, that the *Antecedent* is generally contain'd in the foregoing parts of a Discourse, and may sometimes contain more Words than One: But a *Substantive* is nearer at hand, and is generally but One single Word: And the *Antecedent* does not always oblige the *Pronoun* to be of the same Case, though it must be of the same Gender and Number; but the *Substantive* must have the *Adjective* and *Participle* to be of the same Case, as well as of the same Gender and Number, as was said before.

How many particulars compose an *Adverb*? Five. Which be they? Signification, Figure, Kind, Degrees of Comparison, Syntax or Use.

How many Ingredients are contain'd in a *Conjunction*? Four. Which be they? Signification, Figure, Kind, Syntax or Use.

How many Capital Appurtenances are imply'd in a *Preposition*? Three. Which be they? Signification, Figure, and Government of Cases.

How many Essentials make up an *Interjection*? Four. Which be they? Signification, Figure, Kind, and Construction or Use.

'Tis to be understood, that all these Lessons or Exercises are so often and so long to be read, writ, and Translated or interpreted and repeated, till they are almost got by heart or by rote.

To this Lesson or Task, may be join'd the frequent Lectures and Observations of these following Books; viz. *De Ludis Orientalium*, Auctore Thomâ Hyde, Professore in *Lingua Arabicâ Oxoniâ*, 1695. *Les Disorders de Jeu*. Par M. — in 12. à Paris, 1691. *Traité des Jeux & des Divertissemens*. Par Mr. J. B. Thiers. à Paris 1686. *Jeux de Paroles, sont les railleries (Joci) Jeux d'Allions (Ludi) sont ou de pur hazard, ou de pur adresse, ou melex d'hazard & d'adresse. Ils doivent convenir aux personnes, aux temps, & aux lieux, & estre reglez dans toutes leurs circonstances. Ce livre est rempli d'une si grande & si agreable varieté, que'on peut dire avec justice, que sa lecture est meme un des plus honnestes Divertissemens.*

LONDON, Printed for M Y L E S D A V I E S, the Author of the *Athen. Britannica*, in 5 Volumes, at the Corner of Little Queen-Street, Holbourn.

T H E

Lady's - Post,

O R,

The Female New's - Paper.

For the Diversion of some and Instruction
of others,

By the way of Supplement to the Lady's Calling and Education.

Lady.  Hat's this? What's the Meaning? Is't a Banter?

D. Madam, I've address'd my self so long to Lords and Gentlemen, for their *Custom*, to buye me Books, or better *Buisness*, to so little Purpose, that I am resolv'd to try whether I can prevail upon the *Lady's* Goodness to help me in *either*; either as a Lawyer, or Phyfician, or a Teacher of Languages, or as an Author that is forc'd to present or sell his own Loyal and industrious Writings for a Livelyhood.

Lady: Who do you know? What Recommendation have you?

D. Why, truly Madam, none but of this kind: An ingenious Gentleman in *France*, about the Year 1690. having been bred to the Bar, but wanting *Buisness* and Friends, for to advance himself in his Law-Calling, he apply'd himself to one Mr. *Bergeret*, Secretary of the Cabinet to the *French* King, who finding him a Man of Letters, promis'd him the *Post* of Attorney General in the Parliamentary Court of *Metz* in the Dutchy of *Lorraine*, then subject to the *French*, provided he wou'd publish something in Print, upon what Subject he pleas'd, to satisfy the World, he was fit for that Employ. Whereupon the poor Gentleman, whose Name was Mr. *Vertron*, publish'd a *French* Pamphlet with the Title of, *Minerve Daufine*, upon the Excellency of the fair Sex; but finding it not to take as well as he expected, he chang'd the Title of his Book into that of *Pandore*: Yet fearing still that it might fail of his Expectation, he prevail's with some of the *Virtuosi* of the Academical So-

cieties of *Arles* and *Nismes* (whereof, it seems, he had been a Member) to write upon the same Subject, *pro* and *con*. Accordingly one of them write's a Pamphlet of the Præminency of the Heroes above the Heroina's, or famous Women of all Ages: Another publishe's a Pamphlet downright against the fair Sex: A third declare's in another Pamphlet, for the *Ladys* with as much Zeal as Eloquence: The 4th Antagonist deliver's himself with more Policy and no less Learning, for the *Equality* of both Sexes. Soon after, several Learn'd *French* Lady's took the *Field*, Pen in Hand, and maintain'd their common Cause, with a great Share of *Genius* and Learning. At last poor Mr. *Vertron* made a Collection of all the Books, and Arguments of, and for the fair Sex, and sum'd up the Evidence in Favour of the *Ladys*, under the *third* Title of, *Conversations sur l'Excellence du Beau Sexe. Dediez aux Dames. In 12. deux Tomes, à Par. 1699.* 'Twas thought, Mr. *Vertron* chose that Subject on set Purpose for to engage Madam *Maitenon* and other Court-Ladys, in his behalf, for the Obtaining the foresaid *Law-Post*, perceiving that the Court-Minister, Mr. *Bergeret*, insisted at last upon his finding out *Melchisedech's* Father and Mother: which poor Mr. *Vertron* not having Ability enough to do, he fell short of the Attorney General's *Post*. Yet the Court-Ladys wou'd not abandon their Champion so, but were said to have procur'd him another *Post* with a Pension. J. S. 27. 373.

During that long War between the Pamphlet-Combatants against and for the fair Sex, there was publish'd a well-pen'd Little Book, with

with this Title, *Les Differeus Caracteres des Femmes du Siecle, avec la Description de l'Amour propre, contenant six Caracteres & six Perfections*. In 12. à Paris 1614. In the first Part of this Book are contain'd the Characters of six different Tempers of Women, viz. of the Coquets or Gay-Ladys, of the Bigotes, of the Witty, of the Oeconomists, of the Gamestresses, and of the Tatlers. The six opposit Perfections there accounted for, be, Modesty, Piety, Knowledge, Conduct, Occupation and Reservedness. The second Part is wholly taken up with the Description of Self-Love, which she take's to be the Source of all the Female Imperfections. The Lady-Author of this Book reprint's it with Additions, in 1699. and set's her Name to it, viz. Madam de Pringy; who ingeniously observe's, that the Countenances of Women are not more different one from another, than their several Tempers: The chief whereof she paint's and point's out with such lively Colours, as may easily lead the Ladys to make the Discovery of the Faults which they have, and of the Vertues which they should have. At the same Time with the first Edition of that Treatise, there came out a Book, which attack'd the Ladys in the most sensible Part of all their Glory, viz. against the Gentility of Head-Dressing; *Traité contre le Luxe des Coiffeures*. In 12. à Paris 1694. The first Chapter shew's that the Gaity of Head-dresses is contrary to the Law of Nature, consider'd in it's fourfold Capacity, viz. either in its Original self, or as the Work of God, or as corrupted by Sin, or as repar'd by Christianity. In the 2^d Chapter are represented the dangerous Effects of the Excess of those Ornaments, viz. the Expence, loss of Time, Gallantry, the Longing after Bales and Plays, the Desire to be taking and admir'd. Then the Reasons that Laydys use to authorize and indemnify the fine Dresses of their Heads withall, are examin'd, with the Motives that may induce the Ladys to renounce and abandon the Vanity and Superfluity of the Head-dressing Novelties. Lastly, there are plac'd before the Ladys, 2 Looking-glasses, wherein they may see the Picture of a modest Lady, and the Character of a Coquette à la mode. Not long after that Canonading of the Ladys Head-forts, a Sorbon-Doctor thought it became him to attack the Lady's-Brocaded-Modes in *flanc* and *rear*, and pretended nothing less than

that S. Paul absolutely forbad all Christian Women to wear costly Array with Gold or Pearl, 1 Tim. 2. 9. and 1 Pet. 3. 3, as well as broidred and plaited Hair, or outward Adorning. To the same Purpose, he alledges the Law and the Prophets, Deut. 22. 5. Isa. 3. 18. Ezech. 7. 20. Esther, 14. 16. together with the Gospel, Matt. 11. 8. Marc. 12. 38. Luc. 16. 19. Hence, he pretend's to make it self-evident, that such Apparel and Gay-dressing is an open Renouncing of the very Profession of Christianity, &c. as to the common Custom of every body's Doing and nobody's Commencing no more than Commending, tho' all Peoples Following, he boldly stand's to it, that such Customs are but Corruptions which can't prescribe &c. The Title of the Book is, *Lettre d'un Docteur de Sorbonne à une Dame de Qualité, touchant les dorures des Habits des Femmes*. In 12. à Paris, 1696. The Doctor's Name is, Mr. Gerbais, who was scandaliz'd at a Preacher's Saying, that those Scripture-Texts imported only Evangelical Counsels and not Precepts; 'tis true, this Doctor extend's the Precept to Men's also costly Attire, and Perwigs, especially the long ones, whereat he says, the very Heathens are scandaliz'd; tho' he seem's to except Regal or Legal Ceremonials or Warlike Habits &c. The next Year, the hard-hearted Sorbonists declar'd also against the Lady's Gaming or Playing at Cards, especially for any considerable Sum of Money, as it appear's by their, *Resolution sur le Jeu de Hazard, faite en Sorbonne, le 25. Juin, 1697*. In 12. à Paris, 1697. Nevertheless there appear'd about the same Time and Controversy, several seasonable Pamphlets for the Ladys, and in particular one very pleasant one against their disobedient Husbands, styl'd, *L'Ecole de la Sagesse, Dialogue premier contre les Maris*. In 12. à Paris, 1699. wherein 'tis frankly asserted, that in case Husbands should not be dutyful, it lay at any time in the Power of their Wives to be reveng'd of them, or to make Reprisals.

But the most considerable Stand that was made in that Debate, for the Ladys, was a very eloquent Book with this long Title, *Traité de la Science & de l'Autorité, où l'on voit que les personnes du Sexe pour en être privées ne laissent pas d'avoir les qualitez qui les en peuvent rendre participantes: avec un petit Traité de la foiblesse, de la legere-*

legcreté & de l'inconstance, qu'on leur attribue mal à propos. Par G.S. Aristophile. In 4to, à Lion, 1694.

This Book was said to have been compos'd by a Lady, without any manner of Help in less than a Year's time. She undertake's there to shew, that Liberty, Learning, and Authority, which make Men so considerable in the World, are not to be taken as so appropriated (tho' monopoliz'd by the Men) but that the Women may have their Share therein; and that the Deprivation thereof, for which they stand degraded, is rather an Effect of Custome, or Men's Usurpation than any Sign of a natural Incapacity, or Incompetency in Women. No *Wiggish* or even *Dutch* Lady could talk more magnificently of *Liberty* than she doe's, 'Tis a Faculty (say's that Lady) which gives us Power to dispose of ourselves and our own Actions: 'Tis the most delicate Master-piece of the Hand of God, and the most precious and valuable Prerogative of Mankind: 'Tis a Sovereignty that has for it's Privy Counsel, the Light of Reason, and which is seated in the *Will*, as in it's Throne: 'Tis by *Liberty* that God is serv'd, one's Neighbour assisted, Republicks govern'd, Laws maintain'd, Vertues recompens'd, and Vice punish'd. The Preservation of Liberty is so ascertain'd and secur'd, that God himself (continue's that *French* Republican Lady) can't destroy it; For if the *Will* ceas'd to have the Choice of the necessary Means for to arrive to it's End, that it propose's to itself, 'twould then cease to be a *Will*. That Liberty and Property-Lady further observe's, how united and undivided soever it be in it's Essence, yet 'tis multiply'd into several kinds, and is accordingly divided into formal, absolute, conditioned, weak, and infirm *Liberty*. There's a *Liberty* of State and Condition, which they are deprived of who fall into Servitude through Misfortune, or thro' a blind Submission, which subjected them to the Power of the Rich: There's also a *Liberty* of Profession, which regulate's all the Employ's of Life, secure's the Tranquillity thereof, and even insure's Eternity; the Choice whereof ought not to be made either for Custom sake, or by Hazard, or out of Fancie. She speak's likewise of *Liberty* of or by a Place, of *Liberty* of Mind, *Liberty* of Heart, and *Liberty* of Conscience, which consist's in having nothing on ones Mind

to reproach oneself with, and in not feeling any Remorse or Torment of Thought; and for to compass that *Liberty*, one ought to have one's Soul, pure, enlighten'd and well poiz'd or regulated. So that, she will not have *Liberty* of Conscience, to consist in believing what one will of holy Mysteries, nor in framing to oneself a Religion according to one's own Fancy or Pleasure; tho' she allow's the *Liberty* of *Mind* to be unconfin'd and independant of another Man's *Will* and Power. As *Liberty* is the most valuable of all Goods, so *Constraint* is the most redoutable of all Evils: It has it's different kinds opposite to all the Species of *Liberty*: It's Effects are, Incertitude, Vexation, Sadness, and sometimes Despair. She uphold's that the Life of *Nuns* is a State of Constraint to all Women that engage therein without an extraordinary inward Call of Sincerity and Conviction, or to those that are persuaded thereunto by others, or by themselves, or by a transitory Devotion, which is far from being an Inspiration of Heaven. *Marriage* is also, says she, a State of *Constraint*, when 'tis contracted by ambitious Views, or for Coveteousness, or by some other *Passion*. Hence she conclude's, that there's no Reason to bar Women from *Learning*, which next to Grace, is the greatest Gift of God, and the greatest Ornament of the Soul: But to condemn Women-kind to remain in Ignorance, is to enslave them to the Darkeness of Mind, to weakeness of Memory, to the Disorder of the *Will*, to Hardness of Heart, and to the Production of all the Disorders, which corrupt Mortality, and trouble Society: Which she prove's in the Second Part of her Tract by the Induction of a great many *Women*, who were famous for *Learning*. She had observ'd before in the First Part of her Treatise, that God, who is as Just as he is Magnificent in the Distribution of his Gifts, do's not give equally to all Mankind alike: He was pleas'd that the *Earth* should be variously possess'd under different Titles and *Tenures*: Some have their Share thereof under the Title of Soverains, as Kings: Others have the *Property* thereof, as the Rich: And the *Poor* have the *Earth* only to inhabit therein: But all Mankind in general have the *Liberty* and Power to consider it, and to scan over it's several Regions, and to draw from their

their Observations such Knowledge as may serve for the Instruction of their Understanding and for the Correction of their Manners, as well as for the Use of the publick Conservation of the *Whole*. At last this Ingenious and Learned Lady-Author, employ's all the Third Part, to shew that notwithstanding the Weaknesses, which are commonly attributed to the Female kind, there have been many Sovereign Governesses or Queens, that have render'd their several Dominions and Subjects never the less happy for having been govern'd by Women. So that this Lady-Author seem's to have been bent to please the *Tory* as well as the *Whiggish* Ladies, whilst she so Learnedly maintain'd the common Female Cause. 'Tis probably the same Lady, that the Publick is oblig'd to for the Tract, entitled *La Liberté des Dames*, in 12. à *Par.* 1684. Wherein Ladys are instructed how to make Use of their lawful *Liberty* with Prudence and Wisdom, &c.

But no Forreigner of either Sex ever stood up with more Learning or Zeal for the Female kind, than *Will. Heal*, of *Soutle-Heale* in *Devonshire*, first a Sojourner, then a Chaplain-Fellow of *Exeter-College Oxon*, who writ an *Apology* for Women; or, an *Opposition* to Mr. Dr. *Will. Gager's*, *Affertion*, who held in the Act at *Oxford*, An. 1608. that it was lawful for Husbands to beat their Wives. In 4to *Oxon.* 1609. Another Church of *England*-Minister no less zealous Champion for the Privileges of the Femal Sex, was *Christoph. Newstead* of *Somereotes* in *Lincolnshire*, Commoner of *St. Alban's-Hall Oxon*, and Batchelor of Divinity, without the intermediat Degrees of Arts: He writ also an *Apology* for Women, or, the Woman's Defence, printed at *London*, 1620. Oct. Much about the same time, another Pair of our learned *English* Divines took upon them to set Women's Rights and Privileges in a true Light, in the *Latin* Tongue; as the more inaccessible to vulgar Eyes prying into such awful Mysteries: viz. *Bishop Howson's*, *Uxore dimissa propter fornicationem, aliam non licet superinducere: Thesis tertia proposita & disputata in Vesperis*, *Oxon.* Edit. *ibid.* in 8vo 1602. & in 4to 1606. & *Thom. Pye's* *Epistola ad ornatissimum virum Dr. Johan. Howsonum S. T. D. Acad. Oxon. Procancellarium, quâ Dogma ejus novum & admirabile de Judeorum Divortii refutatur, & sensus S. S. Scripturæ nativus sensus ab ejus Glossematibus vindicatur.* *Lond.* 1603. 4to.

& *Epistola responsoria ad Clariss. Virum D. Alb. Gentilem*, MS. both answer'd by *Rob. Burhill &c.*

Never was there a Lady so scandaliz'd and defam'd, as *Aloysia Sigaa* of *Toledo* in *Spain*, a Lady celebrated for her Modesty and Chastity, as well as for her great Genius and Learning; she was latterly marry'd to a considerable Spanish Gentleman, nam'd *Don Alphonsus Cueva*: Yet one *John Westrene* a Lawyer of the *Hague*, was not asham'd to publish under her Name, one of the most salacious and execrable Libels that ever was printed: 'T has been ever since one of the principal Instruments, that it's first Contriver and original Author, *Satan*, use's to debauch the Youthful Studys of most Universities in Europe; it being writ in an accurate *Latin* Phrase, with a polish'd Fire-Bal of venomous and contagious Expressions: As the scandalous Publisher charg'd the Original in Spanish upon the said Virtuous Lady *Aloysia Toletana*, so he scrupl'd not to father the wild-fire Translation upon his own Country-man *John Meursius*: Tho' the Learned *Dan. Georg. Morhoff* in his *Polyhistor*, Part the 1st lib. 1. c. 8 p. 76. Edit. *Lubec.* 1690. in 4to, seem's to turn that Scandal upon the Reverend Canon of *Windsor*, the late Mr. *Isaac Vossius*, a learn'd *Dutch* Church of *England* Man as the Original, or Translator, or Under-hand-helper. More of such Sotadick Satyrs, and Erotick Libels, or Erratic Pamphlets may be seen in *Christopher Juncken's Centuria Fœminarum Eruditarum, tractatui de Diariis Eruditorum adjuncta*, pag. 126. 127. & *Christopher Thomasius in Cogitatis circa libr. Recen. Menstr. Vernacul.* Edit. An. 1688. p. 586. & *Tenzelius in Colloq. Menstr. Mens. Febr.* 1693. pag. 166. 169. *Ephemerides Erudit. Gall. per D. Cousin, & Petri Rabi Bibliotheca Europa Belgica &c.*

Now Ladies, I'll conclude this first small Entertainment with the Character of a Lady well known to some of your Ladyships: She was a Lady of Aires and Haughtiness, an admirer of Ease, and a mortal Enemy to Constraint; she devoted every Action of the Day to the World, without leaving one thought for Heaven; her only Care was to have none, and her only Study to avoid Sollicitude; she dedicated the Morning to her Bed and the Toilet; after Dinner she gave or return'd Visits, or sat at Plays at the Expence of Modesty and Religion; she wou'd rather lose fifty Guineas in Gaming, than give a Shilling to the Poor; her Wit ran before her Judgment, and her Tongue distanc'd both: In fine, her Thoughts soar'd not an Inch above the Earth; she was wedded to Gaity and Pleasure, enchanted with the Present, and unmindful of the Future.

By the Author of the *Lawyer's-Post*.

T H E
Lady's - Post,
 O R,
The Female New's - Paper.

NOW, Lady's, I'll begin this 2d *Small-Coal-man's* Entertainment with a Tune or two of a famous Dialogue between the Lady (*Placidia*) & *Eusebius* (*Dyrenio*.)

Lady: You surprize me, Sir, — May I be so rude, as to aske you the Subject of your Conversation? *Euseb.* Madam, the Subject was, Whether the Gentry be not oblig'd to practice Christian Vertues, and whether the Precepts of the *Gospel*, fall not as heavy on Lords and Ladies, as on *Valets de Chambres* and Waiting-Women? — *Lady*: Indeed Sir, I do not enter into Men's Concerns, but I am of Opinion, Precepts reach not our Sex — the very Name of a Precept chill's our Blood, and the Obligation of a Command is an invincible Temptation to transgress it. — *Euseb.* But I suppose, Madam, you have some Pretensions to Heaven; you hope to enjoy God in the next World, as well as his Creatures in this. *Lady*: I'll endeavour to be happy here, and hope to be so hereafter. I seek God's Will in the *Bible*, and his Presence in the Church. *Euseb.* But do you also in your Actions? Alas, Madam, the bare Knowledge of God's Commandements will not save you. *St. Paul* is very positive, that a Woman that liveth in Pleasure, is dead while she liveth: She lives in Appearance, but is dead in Effect: She has indeed the Life of Sense, but not that of Grace, and by consequence will never enjoy that of Glory. *Lady*: Pray Sir, can't a Woman wear fine Apparel without forfeiting her Robe of Innocence? Is it a Sin to visite Play-Houses, to dance at a Ball, to have a comfortable Estate, a well furnish'd Table, and upon Occasion to be merry? *Euseb.* To see a Play, that is either innocent or instructive, is no Sin:

But then to see five hundred Plays that from the *Prologue* to the *Epilogue*, are either stuff'd with Blasphemy, or larded with Atheism, or embroder'd with Smut and Ribaldry, can't be innocent. I do not say it's a Crime precisely, to dance sometimes at a Ball, to sing an *Aire à la Mode*, to enjoy a fair Estate, to sit at a full Table, or to wear a gawdy *Mantua*, if you clear Accounts with Creditors and Tradesmen. But a Lady smitten, to transport and dotage with unnecessary Amusements and Vanities, will certainly fall into many crying Offences, by inflaming her Blood with high Ragous, by imboldening her Passion with a criminal Condescension, and by foolishly Braving the Devil's battering Engines, of Comedies, Intrigues and Basset-tables without the Armour of Prayer, the Sield of Charity and the Helmet of Reservedness, and Humility. *Lady*. I don't well understand what you mean, indeed Sir, If you are angry, you may again *for ever go*. Remember Sir, you are the first Aggressor. But, pray Sir, what Part am I to act, to regain your Esteem and *Bonnes Graces*? Or must it be, *for ever gone*?

Eusebius: Madam, you must act two Parts; of a *Gentlewoman*, and of a *Christian*: The first oblige's you to be humbly and reservedly easy and generous in all things and to all Persons: The Second, to be thoughtful of God, as your Maker and Redeemer, and of your Neighbour as yourself. In a word, Madam, *Do Good, and fly from Evil*, is the Sum of our Duty. This is Vertue in *Short-Hand*, Christianity in Perfection, Perfection in Epitome, and Heaven in Reversion: For, no body can be *innocently* unhappy: God having interwoven your Duty with your Satisfaction, that Vertue may prove your *Pleasure* as well as your Duty. Take not Religion upon Credit; there are in the World

World Teachers of false Reasons and Creeds, as well as Coiners of false Shillings and Crowns; and as you bring these to the Touchstone, so you must bring those to the *Scripture*. To believe you know not what nor any other *why*, than to oblige or favour a *Party*, it's to unfence Religion, to lay it open to designing Hypocrits and Party-Usurpers. In fine, to believe nothing, is Madness, and to believe any thing, Folly. They are truly happy, who walke between these two Extreame, and neither believe too much nor too little, but take for their infallible Standard the Holy Scriptures, and for their appointed and never abandoning Guide, their respective private Spirit, or sincere Conviction of an unbiass'd Reason and Conscience, no ways influenc'd by Fancy or Worldly Interest: But with the Eye of Faith continually do behold the dreadful Majesty of a God *hovering* about them, with the *Practice of Piety* in one Hand, and the Sword of Revenge in the other: Such Persons of unbiass'd Religion and unspotted Conscience, would be always so concern'd for their outward and inward Behaviour, as not to sell their Innocence for a Fleet Pleasure in Hand, and for the dreadful Effects of the eternal Repentments of an offended Deity, in remainder. In a word, Madam, to be *happy* here or in the next World, you must be sincerely Religious in this: Virtue with Religion and Sincerity is your Duty; and if you will practise it seriously, 'twill prove your Pleasure, and present as well as future Intrest.

Lady. I love not those severe Morals; they cow the Spirits, disjoint Conversation, and check Freedom: Spleen begot 'em, Melancholy nurs'd 'em, and Envy recommended 'em to the Pulpit. For, I find these Men are the great Champions of Vertue, that are not able to be vicious; and those declaim most against Pleasure that are past enjoying it: Yet these false Devotees will needs impose on Gentlewomen, and set their Impotence as a Law for others. Such seem to be infidel Moralists, who commend Virtue in Jest, and practise *Vice* in good Earnest, and are as far themselves from enslaving their Passions to the Laws of Nature, as their Judgments to Divine Revelation, which they would recommend to others up-

on Trust, and themselves upon Interest.

Euseb. Looke ye, Madam, there's no Harm done; you are still Mistress of your *Practice*, tho' neither of us can command *Principles*: These come not within the Precinct of your Liberty; are neither subject to Change or Alteration; *semper idem*, is their *Motto*. In a word, Madam, I mould not my Discourse to an Humorist's Inclination, but to the Rules of Truth: Judgment and Conviction move my Tongue, not Adulation. If I have impos'd on you, unmask the Imposture; if not, let good Humour run in it's ordinary Channel. To strike in with a Patient's Disease, is not Civility but Cruelty; and I believe you had rather be eas'd of a Distemper with *Coloquin-tida*, than to be sent into the next World with *Julips*; that is, you had rather be reminded of the Way to *Heaven*, with plain Dealing, than to be let to sleep on or slide into the shortest Way to Hell with Huzza's, of, *you are in the right on't Madam, or, you need not be told on't Lady*.

Lady. Pray Sir, be pleas'd to cut out some Work for *Ladies*; set 'em a Task and regulate their Employment. I suppose you'll remove us at least ten Miles from *London*, as the Government does on occasion the *Papists*, and there confine us to the Dairy to make Cheese-Cakes and Custards for the Family.

Euseb. No, Madam, Town-Air is proper for your Complexion. I am not for Removal into Campaign, nor for gracing your Ladyship with the Title of Spinsteress, (tho' perchance the Law does); I am of no levelling Principles; Gentility has Prerogatives, and I would have you maintain 'em: But then if you are a Lady, you are also a Christian, and must make good the Character; that is, you must love those very things you hate, and hate those you dote on: Ease is your Darling, and Pleasure your favourit Inclination; you must withdraw your Affection from the one, and prosecute the other with Aversion; you pamper your Body to Excess, and caress it almost to Idolatry; you must cut off all superfluous Sollicitude, and stint it to what is decent and necessary; your Equipage and Furniture must answer your Rank, not your Vanity; and you must measure 'em also by your Husband's Estate, as well as by his Quality. You must edu-
cate

cate your Children in the Fear of God, and give 'em Breeding suitable to their Extraction.

Lady. Indeed, Mr. Scholar, to be plain with you, I don't at all wonder at the continual Disappointments, you say, you met withall, in drudging all your Lifetime for a Livelyhood, since you lard over your Essays and Addresses with so much Pedantry and Penury of good Manners as well as of Appearance. *Stoicism* and *Cynicism* (to use some of your own barking Dialect) make but a Scare-crow-lure as well as a starting Figure in News-Papers, such as you pretend, are to divert People into the Chains of their Duty, or even into the Charms of Vertue: In short, to Schoolpeople, and much less to criticize, and least of all to saty-rize them, is not the shortest Way to gain your Point nor their Charity, or Assistance.

Euseb. 'Tis true, Madam, I'm one of those, who, when Civility or Necessity obliges to visit or address Ladies, keep their Compliments to the Rules of Christianity; for there's no Necessity of laying Religion at the Door, nor of denying God, when her Ladyship is to be address'd or entertain'd: I think, Breeding is not incompatible with Religion, and a Man may make a civil Address without Aposta-zing from Christianity: I can't adore fair Ladies, no more than the Lady of *Loretto*; nor am I one of those, who can swear, Heaven sits in *Female Smiles*, and Hell in their *Frowns*: Neither can I style fine Ladys, *Saints*; since probably and commonly their Ladyships are more stokt with Beauty than Piety, and their Faces better provided with Grace, than their Souls: Some indeed enlarge the Female Perfections even to an Outrage, and rank them among the Angels, and to compleat the Folly with Blasphemy, do *Deify* them. These Pagan Compliments are with many, the Standard of Civility, the Scale of Ceremony, and the Measure of good Breeding. But after all, Practice can never blanch over the Foulness of these daring Expressions; whereof every Syl-lable breath's their Frenzy and Blasphemy: Nor is there any way to acquit these raving Platonicks of a Crime, but by supposing 'em to be commonly understood and taken for self-evident Hyperbole's, or diverting Jest; for, a few Pimples handsomly sprinkl'd over

her Ladyship's Face, would very efficaciously dislodge the *Angel*, as perchance her Lewdness has banish'd the *Saint*; and a few Small-pox would chequer her Divinity, and tumble the Goddess into a freightful Object; and then Hell might as well perch on her Smiles as on her Frowns. But railery apart, tho' we fling Impiety out of the Question, such Addresses are plain Satyr and Invective on the Sex: For they suppose Women either extravagantly proud or superlatively silly; now the very Supposition is both ungenteel and scandalous. I am sensible indeed, the Sex is no Enemy to Hyperbole in Courtship or Address; Women are fonder of those Glasses that conceal Dis-proportions, than of those that represent 'em; they can't well distinguish between Flattery and Merit; and as they eagerly desire these Perfections that are proper to their Sex, so they easily are persuaded they possess 'em; for we soon believe what we earnestly desire: So, hence it is that they take a pleasing Raille-ry for a serious Truth, and even sometimes a Lampoon for a Panegyrick: But then an un-grateful Truth put's 'em into a Ferment; it ruffle's their good Humour and four's their Blood. Something therefore may be allow'd to Custom and their Constitution; I can ca-jole their Ladyships into an even Temper rather than reason 'em out of it, provided they let me be within a mean, and neither tempt nor awe me to step beyond the Bounds of Decency; but to please them by breaking into frothy Flights of complementing Impie-ty, into sawny Raptures of flattering Blasphe-my, is to play the Fool and the Atheist: tho' the Vanities and Amusements of Ladies are Proof against Homily and Exhortation, yet they fling not up, I suppose, their Pretensions to Heaven: I am sure, if there be not a Chri-stian Reformation in their Dress, Appetit and Pleasures or Diversions, or unless God annul's all the Laws of Nature, and call's in, the Gos-pel, or issues out under his great Seal an *Am-nesty*, they'll fall short of their Expectation.

Lady. You are warm, methinks, and press very hard on Ladies; but I suppose, you are only in the Vein of Bantering and intend to shew how well you can manage an ill Cause, and that Wit and Declamation can sometimes supply

supply the Place of Reason and Argument: Thou art excellently well qualify'd for the Pulpit; Thou hast Words and Invektive at Command: Prithee off with thy *Jump* and *Rags*, and on with a *Cassak*, off with the Priest's Disguise: Thou wilt run down Vice at an unmerciful Rate, and talk Debauchery out of Countenance; no Sin will stand thee, no Heresie confront thee. However, 'tis time to take a little Breath; you'll overheat your Lungs and discompose your Fabrick, such as it is. 'Twill better become your Subject and present Interest, to dive into the History of Ladies, and entertain us with some Remnants of Antiquity or instructive Observations upon the Lives and Actions of the most Eminent Ladies in former Ages; such as the Account that is given of our Grantee Lady *Eve*, in Mr. *Bordelon's* 7th Letre of his, *Histoire Critique des personnes les plus Remarquables de tous les Siecles*. In 12. deux Tomes, à Paris 1699. *Questions Curieuses sur la Genese*, in 12. Paris 1685. *Epiphanius*, in *Heres.* 26. n. 2. Or, in *Loredano's* Life of *Adam* and *Eve* translated out of the 8th Venice-Edition into French, in 12. Paris 1695. Or the Life of *Adam* MS. f. 6. 7. Th. Bodly Libr. Or, of the famous Jewish Women, out of Mr. *Selden's* *Uxor Hebraea*, and *John Meyer's* *Uxor Christiana*, in 4to. *Amsterd.* 1688. Or, of the celebrated Pagan Women, out of *Menage's* *Syntagma*, *De Mulieribus Philosophis*, edition'd with his *Laertius*, in 4to, *Amstelod.* 1692. 2 Vol. *Les Poesies de Sapho*, par *Mademoiselle le Fevre*, in 12. Paris 1682. and done by another, *ibid.* in French Vers, in 12. 1684. and by Mr. *Gacon*, *Poete sans farde*, à *Roterdam*, in 12. 1712. *P. Petiti de Amazonibus* *Dissertatio*, in 12. Paris, 1685. Or, of the eminent Christian Ladies, out of, *Le Mariage Chrétien*, sa Sainteté & ses devoirs, selon les Sentimens de l'Eglise Reformée retirée du Monde, sous la conduite de Mr. *Labbadie* & Mr. *Tvon*, in 12. *Amsterd.* 1687. *Joannis Launoy Regia in Matrimonium Potestas*, edit. Paris 1675. *Traité de l'excellence du Mariage, de sa Nécessité & des moyens d'y vivre heureux où l'on fait l'Apologie des Femmes*, par *J. Chauffé Sr. de la Terrière*, in 12. Paris 1685.

Or else you may give some Account of some of the Learned Primitive Ladies of Christianity, out of, *Dissertatio Historica & Romano-*

*Ecclesiastica, de tollendâ penes gravissimos Scriptores inolitâ ambiguitate & confusione inter duas antiquas Matronas Romanas Professione Christianâ Celebres, videlicet, Aniciam Falconiam Probam (Sextii Petronii Probi, viri clarissimi uxorem, Olybrii Probini, & Probi, Consulum matrem) & Valeriam Falconiam Probam, Adelphii Proconsulis conjugem, Poetrium ingeniosissimam, quæ Centonem de Christo Virgilianam confecit; cum Centone illo, Bononia An. 1692. in 4to. excusa; Authore Thomâ de Simeonibus, Vibo-Valentiniano, à Monte Leone, Præposito Ordinis Divi Augustini, in Æmiliâ, Provinciale &c. Gerhardi à Stocken Hafniensis, Jurisconsulti Argentinenfis, Disputatio ad L. Un. C. De Mutatione Nominis, Argentina in 4to. 1674. Or Bp. Gauden's Discourse of artificial Beauty in point of Conscience between two Ladies, in 8vo. Lond. 1662. and his Prophecies concerning the Return of Popery, in 4to. Lond. 1663. Or, especially out of *Anthony Stafford's* (who was originally of *Blatherwick* in *Northamptonshire*, and of *Oriel-Colledg Oxon*, M. A.) *Niobe* dissolv'd into a Nilus or drown'd in her own Tears, in 12. Lond. 1612. and his, *Female Glory*, or the Life of the Virgin *Mary*, in 8vo. Lond. 1635. with Cuts. The Guide of Honour, in 12. Lond. 1634. The Life of that Cynick or *Canis Cælestis*, *Diogenes*, in 12. Lond. 1615. Honour and Vertue, upon the Ld. *Stafford's* Death, in 4to. Lond. 1640. &c.*

Or lastly, you may divert your Lady instructed with some Historical News of Lady-Prophetesses, Female Priests, or Women-Preachers, out of *Servatii Galei Dissertationes, De Sibyllis, earumque Oraculis cum figuris aneis*, in 4. *Amst.* 1688. *Grævius's* 5th Tome of his *Roman Antiquities, De Vestâ, Vestalibus & Prytanibus Græcorum* edit. in 1696. and his 8th or 10th Vol. *De Veterum Nuptiis, &c.* Or, *Arnold. Noremburg's* Edit. of *Theod. Abuearas*, Bp. of *Caria*, in his Notes of the *Presbyteræ &c.* in 8vo. Paris 1685. Or, infine, Mr. *Paulian's* *Critique des Letres Pastorales de Mr. Jurieu*, in 12. à *Lyon*, 1689. wherein, towards the latter End, we are inform'd of a Dutch Protestant Lady, who by her powerful Preaching and Teaching, or holding forth, founded a new Order of a Reform'd Religious Institution of Instructed and Instructing Ladies, &c.

By the Author of the *Physical*, and *Lawyer's*, Post.

The Political Post,

O R,

The Courtier's Express, and States-Man's Journal; Or, The Gentleman's News-Paper. For the Proving, Approving or Reproving of some, and Improving of others.

M.



H A T now? A Poor Scholar turn at last a Politician, or rather, a Philosophick Antiquary to divert the Crowd or Company?

Thou hadst as good pretend to teach Bishops and Parsons how to Preach or Pray, as to read a Lesson of Politicks to the mighty *Hunters before the Lord*, (Gen. 10. 9.) Or, prithee, hast thou a mind to set up for a new kind of a Ballad-maker, and call thy Melancholy *Sonetta's*, *Post-Ballads*, or Ballads of the Philosophick Post? Or, what is't thou meanest by thus worring thy self to Death, by riding Post to Poverty and Contempt, or rather, by thus Scribbling from Post to Post-beggary, or to irretrievable begging at with, in, and by Posts to Pillar, till *Post est occasio calva*?

D. My intent is only to turn from the Heathenish Barbarity of Ambition, Covetousness and Selfishness, as well as from Jacobite-High-Church-Miracles and self-destroying Contradictions, to real Christian Policy and Sincerity, for to divert and improve my self, and hope it may prove so to others. However, *νὺν πρὸς τὸ πρᾶγμα*. Whatever Secrecy or Mystery the mighty ones of the Earth make of Policy, Greatness, Power and Government, it may all be reduc'd to few Comprehensive *Maxims* of the whole, as necessary in Practice, as they be in Theory. As for Example; All Policy, Greatness, Power and Government, consists in a due Proportion, Order and Harmony of the Parts to the whole, and of both to the

Head, by a due Consideration and Application of the *Harmony* of Things, Persons, Thoughts, Words and Deeds thereunto. Hence arises the great Pentateuch of the Five Grand State-Arcanum-Standards, originally set up by *Moses*, *Joshua*, *Samuel*, *David*, *Solomon*, *Ezechias*, and *Josiah*, amongst the *Israelites*. These were follow'd at a great distance by *Ezras* and *Nehemiah*: And still at far a greater disparity in all respects of Human as well as Divine Policy, Power and Authority, by Nine or Ten more of the most Polite of all the modern Jews, viz. *Pseudo-Ezdras*, *Ben. Sirach*, *Joh Hircanus*, *Philo*, *Josephus*, *Maimonides*, *Manasses Ben. Israel*, *Abraham Peritsol*, *Don Isaac Abarbanel*, and *R. Elias Levita*: But this last turn'd Christian, as well as his Learned Brethren of the abandon'd Jewish State, *Bamberg* and *Tremelius*. The principal Ministers of State-Records and Natural Policy amongst the Heathens, were, *Homer*, *Tyrtaeus* and *Pindar*; *Plato* and *Aristot*; *Xenophon* and *Thucydides*, *Polybius* and *Plutarchus*, *Tully* and *Cesar*, *Augustus*, *Titus* and *Antoninus*.

Of all the Christian Crown'd Heads, none come up nearer to the foremention'd Nine Original Standards of the Five Sacred State-Arcanums, than these following, viz. *Constantine* and *Theodosius* the Great, *Gratian* and *Justinian*, *Leo* and *Alphonfus* the Wise, *Charles* the Great & *Charles* the 5th. Emperor, to and with those of Great Britain; viz. *Lucius* and *Arthur*, *Britains*; *Alfred* and *Edgar*, *Saxons*; *Edward* the 3d. and *Henry* the 7th. *Normans*; *Henry* the 8th. and *Edward* the 6th. Reformers; *Queen Elizabeth* and Queen

Queen Anne, Protestants; William the 3^d. and King George, Preservers. And for further Patterns of Christian Polite Ministers of State, Courtiers or Gentlemen, I take the Memoirs of these following State-Writers or Court-Actors to be the most considerable for Imitation, Emulation or Consideration, of any that ever Published any thing remarkable in that kind of Christian Polity, Power, or Government, besides the fore-mention'd; viz. *Justinus Martyr, Clemens Alexandrinus, Minutius Felix, Tertullian, Arnobius, Lactantius, Boetius, Cassiodorus, Alcuinus Nithardus, Stobæus, Suidas, Photius, Nicephorus Gregoras, Ioannicus Chalcondyla, Petrarcha, Bocacius, Philippus Comineus, Marsilius Ficinus, Nicolaus Cusanus, James Sannazarius, Johannes Picus, Franciscus Picus, Mirandulani Comites*: These were the most bright Ministers of Christian Polity; on the Roman side, viz. *Erasmus, G. Cassander, Budeus, P. Pithæus, Lipsius, Will. and J. Barclay, L. Servin, and Mauguin, Card. Perron and Richlieu, Fam. Strada, Ath. Kircher, Nic. Caussin, Batt. Gratian, P. De Marca, Pascall, Gassendi, Dan. Huetius, B. Bossuet, Bolleau*.

On the Protestant side they were meliorated by *Buchannan, Melancthon, Leunclavius, W. Cambden, Goldastus, Hospinianus, Jan. Gruter, H. Grotius, J. Ger. and Isaac Vossij, Salmasius, J. Selden, J. Milton, Sir Mat. Hale, Sir Tho. Pope Blunt, H. Spelman, W. Dugdale, S. Puffendorf, L. Baile, Fred. and Ezech. Spanheim*.

But the brightest Luminaries of all our English Protestant Ministers of or for State, were, *Walsingham, Cecil, Sir Simon D'Ewes, Sir Cbr. Perkins, Lord Bacon, Lord Herbert, Lord Clarendon, Lord Coventry, Lord Arlington, Sir Will. Temple, Sir G. Mackenzie, the last Lord Shaftsbury, the late Duke of Leeds, the late Duke of Shrewsbury, J. Rymer*. Of all these 15 Principal Ministers of our State Polity, there have been most of all their several Learned Writings and instructive Test-Memoirs, often Publish'd for the Good of the Publick, as well as for a kind of *Guidons or Compass* to the *Helm*: But the 3 First and

4th. and 14th. (though all Five had been formerly Papists, but turn'd Protestants for the unvaluable advantage of the Reformed Liberty, Religion and Property) seem to have been the most able Statesmen of all the rest, and to have laid the Four Ministerial corner stones of the inconcussable Quadrangle of our Protestant *Israel*; for, as the First; were the undoubted Principal State instruments in the First thorough Establishing of our Protestant Polity, Greatness, Power and Government, against all our Enemies both at Home and Abroad: So the other Two contributed instrumentally and Ministerially in chief, to the Original respective Preservation of those inestimable Protestant Blessings of our Religion, Liberty and Property, in opposition to Popish Slavery, and Fanatick Slovenry; for the Fourth had the chief hand in contriving and drawing up our First Protestant Tests of the Oaths of Supremacy and Allegiance, and the 14th. had one of the chiefest hands in King William's Revolution, as well as in King George's Preservation of us again from Popeay and Slavery; for to back on the Revolution, 'tis very well known, he ventur'd his *All*, by Mortgaging all his Estate to Father Peters for Ten or Twenty Thousand Pounds, to carry it on and himself to *Holland*; and by that means he *back-gamon'd* Popery and Slavery at once; and 'tis as certain had not he stept into the *Tory-Ministry*, to stem the *Surges* of Republican Monopolies, (that seem'd to threaten to baldardash, and to slime or to slobber our Church-Polity and Native Generosity,) as well as to wave the Billows, that pretended nothing less than *Torishly*, as well as *Popishly*, to enslave or at least endanger our Liberty and Property. Though in the mean time, there was something extraordinary in the foresaid 12th. mention'd Nobleman, as representative of our Protestant Polity in particular, and in the Fourteenth mention'd of our same able English Statesmen; viz. that the last of those having been bred and brought up a *Roman* for above Twenty or Thirty Years, and then turning a zealous bright Protestant Statesman, should go and reside in

in a private Capacity at *Rome*, under pre-
tence of his Health, for Four or Five Years,
and then and there to be so Zealous a Pro-
testant, as not to go to any of the *Roman*
Church-Concerts or Curiosities, but to divert
himself mostly in the Company of the old
Princess *Carpegna*, and to chuse one of her
Companions to make a Protestant Convert
of, and then Marry her, out of Zeal or Love
or both, and as such to bring her to be Na-
turaliz'd and prefer'd at Court in his own
Protestant Country. And for the *Sarcroix*
of the Amaze, that he had no sooner almost
come home, but another bright Noble Lu-
minary of Learned Statesmen, or able
Courtiers or Senators, should go in like
manner into *Italy* with all his Family, to
reside, and at last Dye at *Naples*, though he
had been bred and born, brought up and
nurs'd in Hereditary Principles, suppos'd to
be bordering upon the severest rigidity of
Anti Hierarchial Calvinism, or of Anti-
Cavalier Polity, if not of Antimonarchical
Limitations or even Coercions: As
in the Learned Critical Essays (which he
left, as it were for his last Will and Testa-
ment of Polity and Management,) he does
not shew much to the contrary, especially
as to the Hierarchial Reverend Heads, as he
calls them; neither was it Publickly known
that he took e're a Protestant Chaplain along
with him, either for himself, Children or
Family, no more than the t'other Noble
Statesman that resided at *Rome*: And as for
Health 'tis certain neither of those Two
great Towns, were ever taken to be the
most Healthy of all the rest of *Italy*, as one
of them found it to his fatal experience.

But more of all those foremention'd State-
heads and Ministers hereafter, it encourag'd.
However, the first of the foresaid Grand
Five State-Maxims of all true Polity, Great-
ness, Power and Government, is the due
Consideration and right Application of the
Providential Harmony or Order of the E-
ternal Creating and Governing Word, or
λόγος, or προνοία or σοφία, in, with, and to the
Sympathy and Symphony of created
Thoughts and Words proportion'd to the

Order'd and Govern'd World, as deliver'd
in *Gen.* 1. 1, 2, 3. &c. *Prov.* 8. 22, 23,
24, &c. *John* 1. 1, 2, 3, &c. *Job* 38. 1,
2, 3, 4. &c. *Psalms* 19. 1, 2, 3, 4, &c.
Psalms 66. 1, 2, 3, 4, &c. *Psalms* 67, 4.
and 92. 6. and 93. 3. and 146. and 147.
and 148. and 149. 3. and 150. *Isai.* 5. 11,
12, 13. & 26. & 28. & 30. and 49. 13. *Luke* 2.
13, 14. *Mark* 14. 26. *Math.* 26. 30. and
2 *Sam.* 6. 14. 16. 18. 19. and 23. 1, 2,
3, &c. *Isai.* 6. 3. 4. *Revel.* 4. 8. 10. 11.

That the same divine Harmony of the
Parts to the whole, and for the several
wholes to the respective Heads; and of all
to the Supream inward as well as outward
Governour, with, in and to the due pro-
portion and right application of the Sym-
pathy and Symphony of Thoughts, Words,
Deeds, Persons and Things, is a Specifick as
well as an Universal Ingredient of, and has
a Specifick as well as a general influence over,
all true *Humane* Polity, Greatness, Power
and Government, we are assur'd by the
greatest Minister of State-rationality and of
Policy-reason, and to the greatest and most
successful Heathen Prince, *Alexander*, that
ever was known in the World, and conse-
quently we may depend upon him as such;
viz. the foremention'd great *Stagyrit*, who
in his 8th. Book of his *Politicks*, cap. 7. and
ult. *mibi* pag. 574. *Edit. Genevæ* 1616. con-
cludes us wth convincing reasons of the use-
fulness and necessity of all the possible Ideas
and Notions of all sorts of Harmony, as well
as of a certain Policy in the practical manage-
ment of State-Affairs: In order thereunto he
allows of the common Philosophick division
of Melody or Harmony into τὰ ἠθικά, πρακτικά
καὶ ἐνδοσυστικά. That is, Moral, Mecha-
nick and Divine; upon the account of
Learning (παιδείας) and of purifying the
Affections (καθάρισις) supposing still τὰ
μέτρον, τὸ δύνατον, καὶ τὸ πρέπον, that is, Mode-
ration, possibility and decency; exemplifying
the whole, with the *Lydian* Harmony and *Psal-*
mody, with the *Phrygian* vulgar Piping, Dance-
ing, Ballading, and such like, and with the Do-
rick sublime Poetry or Melody of Poems and
Odes. φανερὸν, ὅτι (says that great Genius
of



However, I shall now see, how Poetically or Politically lucky I shall be with this my first *Axiom* of Sacred as well as Human Polity or Polite Humanity, not only as to the Divine *Harmony* of Sacred Thoughts and Deeds, in the due subordination of Private and Publick Affairs, but also as to the Elevated and Communicative *Harmony* of Words in Sublime, and ingeniously influencing Latin Poetry, which was always encourag'd hitherto, by the Politest Courts and most Politick Statesmen, as well as by the most barbarous and unciviliz'd Nations, tho' the Poet were come from *old Nic*, or from their greatest Enemy, provided he turn'd and tun'd his Pipes for the present purpose of the occasional new respective *Masters*, who may or can temporize for their own Interest, with more skirting shifting Policy of shuffling twirloings, twistings, twinings and turnings, to serve their Private or Publick turns, than the Poorest Poets, how mercenary *Quodlibets* soever, they may be imagined to be. But before I exemplify upon Poetick Politicks, it may be proper first, for better luck-sake, to subjoin to the foresaid parcell of Politick Greek, a Symphonous part of Politick Latin, by way of an Harmonious Paraphase, out of the convincing reasons and concluding Evidences, alledg'd for the further proof of Poetry's being an Essential part of Civil as well as Sacred Polity and all Providential Governments, in the great *Austin's Epist.* 28. fol. 31. pag. vers. tom. 2. Edit. Venet. 1584. *Non enim frustra per Prophetam (Isai. 40. 12. 26. juxta 70.)—dictum esse de Deo, qui profert numerosè seculum—temporum spatia (quæ tanquam Syllabæ ac Verba ad particulas hujus seculi pertinent) in hoc labentium rerum, tanquam mirabili Cantico—ibid. Epist. 5. fol. 6. vers. pag. donec universi seculi pulchritudo (velut magnum Carmen cujusdam ineffabilis Modulationis) &c.* From this original impression and Contemplation of the Creating and Created *Harmony*, it was that the Hebrews conceiv'd, that *Adam* Poetify'd and sung the 92d. Psalm, as well as that the first book in the World, viz. that of *Job*, was originally writ in Poetry, as the first Book among the Heathens, viz. *Homer*. Hence it was also, that the original Harmonious Polity of all Arts and Sciences was at first Taught, deliver'd and registred in Politick Melody, wherewith the World was at first civiliz'd and united or govern'd, as well as created; as has been demonstrated already in Prose, but now again in Verse; without which some sort of ignorance can't be cur'd nor Cicuriz'd. *Pulchra videmus: an audimus quoq;? quis canor anres demulcet? quis concentus allabitur auri, ad numerum dum scena choros hæc aurea ducit, ecquod tam vocale melos, tam dulce? Choræ Prætor, decimo Genius qui præsidet axi. Hinc reor, & non immerito Cygnumq; Lyramq; inservit comitescalo ingeniosa Poësis. Nex procul hinc nisi fallor, abest, quæ lætæa, fertur, Uranietq; eodem cantu notissima, calum limite quæ caudente secat, via. Candidus illam Noëtarij voris satur ambrosæq; papilla, hinc atq; hinc insignis Olor. Confinis Olori (Pelline quo percussa, liquet) lyra succinit, olim Sylvarum, nunc astrorum suavisissima Syren.*

